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PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, SECOND SESSION

SENATE—*Tuesday, January 30, 1968*

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty and ever-living God, as we bow in this quiet moment dedicated to the unseen and the eternal, make vivid our abiding faith, we beseech Thee, in those deep and holy foundations which our fathers laid, lest in foolish futility in this desperate and dangerous day we attempt to build on sand instead of rock.

So teach us to number our days that we may apply our hearts unto wisdom.

O merciful God, whose law is truth and whose statutes stand forever, we beseech Thee to grant unto us, who seek Thy face, the benediction which a sense of Thy presence lends to each new day. Unite our hearts and minds to bear the burdens that are laid upon us.

May we follow the gleam of the highest and best we know, as it leads o'er moor and fen and crag and torrent till the evening comes and the fever of life is over, and our work is done.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 29, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on January 27, 1968, the President had approved and signed the act (S. 964) for the relief of Roberto Perdomo.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of the Committee on Agriculture and Forestry; the Subcommittee on Antitrust and Monopoly Legislation of the Committee on the Judiciary; and the Subcommittee on Patents, Trademarks, and Copyrights of the same committee be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: Hon. ROBERT F. KENNEDY, and Hon. WALTER F. MONDALE.

AMENDMENT OF THE RAILROAD RETIREMENT ACT AND THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Mr. PELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 936, H.R. 14563.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14563) to amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide for increases in benefits and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PELL. Mr. President, I move approval of H.R. 14563.

Mr. BYRD of West Virginia. Mr. President, I wish to express my support of this measure, and I join in the request of the distinguished Senator from Rhode Island in moving its approval.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 954), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PRINCIPAL PURPOSE OF THE BILL

Title I of the bill provides an increase in railroad retirement benefits for persons who will not receive an increase in either their railroad retirement or social security benefits as a result of the recent amendments to the Social Security Act. This increase, subject to certain offsets explained hereafter, will equal 110 percent of the increases the affected individuals would have received under the Social Security Act had that act been applicable to the railroad service involved rather than the Railroad Retirement Act. Many persons automatically receive increases in railroad retirement benefits when social security benefits increase, because their benefits are computed under the social security formula, which was increased by last year's amendments. These individuals are not affected by the bill. All other beneficiaries will receive increases of $10 or more, in the case of retired employees, or $5 or more in the case of wives, widows, parents, and children (before any reductions for early payment of benefits).

Title I also makes certain disabled widows and widowers eligible for benefits, makes certain additional family members eligible for benefits, provides an increase in the credit for future military service, and liberalizes the earnings test for persons eligible for disability annuities, under the Railroad Retirement Act. The cost of these benefits will be financed out of increases in the income of the railroad retirement fund arising out of the recent Social Security Act amendments and will not require a further increase in railroad retirement taxes.

Title II of the bill would increase by $2.50 per day benefits for unemployment and sickness, and would provide some restrictions on eligibility for those benefits.

The bill reflects the terms of an agreement entered into by representatives of railway labor and management and is supported by the administration.

BRIEF EXPLANATION OF THE BILL

Title I

There are two formulas for computing annuities under the Railroad Retirement Act, the social security minimum guarantee formula in section 3(e) of the act, and the regular formula. The vast majority of survivor annuities and some retirement and spouses' annuities are computed under the formula in section 3(e) which, in effect, provides for payment of 110 percent of the amount which would be payable under the Social Security Act if the railroad service had been social security employment; and many spouses' annuities would be larger except for a limit to 110 percent of the highest amount that could be paid to anyone as a wife's benefit under the Social Security Act. On the other hand, the vast majority of employee annuities and a significant proportion of aged widows' annuities are computed under the regular railroad retirement formula. The enactment of the 1967 Social Security Amendments will result in increases in the annuities of individuals described in the first sentence above, without the aid of this bill. With respect to the individuals described in the second sentence above, title I of the bill would increase their annuities by an amount approximately

equivalent to 110 percent of the dollar amount resulting from the percentage increase in benefits provided by the Social Security Amendments of 1967 under the Social Security Act, subject to certain adjustments which are described below.

The increase in annuity amounts, described in the last sentence above, would relate only to the percentage increase in the amount of social security benefits over the amount payable under the 1965 amendments to the Social Security Act. The reason for this restriction is that higher social security benefits attributable solely to the higher limit on creditable earnings would come about from the increase in the social security earnings base by the Social Security Amendments of 1967 and from the maximum creditable monthly compensation under the Railroad Retirement Act which is automatically increased from $550 to $650 per month by the operation of existing provisions of the Railroad Retirement Act. This increase in the maximum creditable compensation of itself will produce higher annuity amounts for those employees who earn in excess of $550 a month. Further, the 7-percent increase in annuity amounts provided by the 1966 amendments to the Railroad Retirement Act (Public Law 89-699) which do not now apply to monthly compensation over $450 would be made to apply to such monthly compensation.

Where a railroad retirement annuitant is also being paid social security benefits, there would be an offset against the schedule increase in his annuity by the amount of the percentage increase in his social security benefits provided by the Social Security Amendments of 1967; however, before any reduction required for age, there would be an increase of at least $10 a month in employee annuities (and this increase would be in addition to the higher amount payable due to the raise in the compensation limit and to the application of the 7-percent increase in 1966 to compensation above $450), and of at least $5 a month in each spouse and survivor annuity; and these minimum increases would be without regard to the offset for entitlement to social security benefits.

The increases in annuities provided by the bill will be effective beginning with annuities accruing on February 1, 1968.

In the opinion of the Board's Chief Actuary the bulk of the costs of the amendments to the Railroad Retirement Act (75 percent) would be offset by the actuarial gains from the 1967 Social Security Amendments. Therefore, the enactment of this title of the bill would not cause a material change in the actuarial condition of the railroad retirement system; it would be nearly the same as it was before the enactment of the Social Security Amendments of 1967.

Title II

This title of the bill would eliminate maternity benefits, as such, but with respect to a female employee, a day of sickness would include a day on which, because of pregnancy, miscarriage, or the birth of a child (i) she is unable to work or (ii) working would be injurious to her health.

The amount of compensation to be earned in a base year as a basic qualification for benefits would be increased from $750 to $1,000.

The benefit rate schedule would be revised and the maximum daily benefit rate would be increased from $10.20 to $12.70 for days of unemployment and days of sickness.

Provision would be made for extended sickness benefits, similar to the extended unemployment benefits now available, and for accelerated sickness benefits through possible early beginning of a benefit year with a day of sickness, similar to the possible early beginning of an accelerated benefit year with a day of unemployment as now provided for.

Extended and accelerated sickness benefits would not be paid for days after attainment of age 65. In an accelerated benefit year begun by reason of sickness, attainment of age 65 prior to the beginning of the general benefit year which was accelerated would end all rights to further sickness benefits until the beginning of the general benefit year. This limitation would not deprive any employee of rights he now has to sickness benefits under the present law. It would also have no effect upon his rights to normal, extended, or accelerated unemployment benefits after attainment of age 65.

With respect to every employee who, upon application therefor, would have been entitled to a disability annuity under section 2 of the Railroad Retirement Act for a period which includes days for which extended or accelerated sickness benefits had been paid, there would be transferred from the railroad retirement account to the railroad unemployment insurance account at the close of each fiscal year the amount which would have been paid as such annuity if the employee had applied for it, up to that total amount of all sickness benefits paid him during that fiscal year for days for which the disability annuity could have accrued. Provision is made for interest on the amount transferred from the close of the fiscal year to the date of certification on the amount for transfer.

An additional disqualifying condition would be added, with the effect that an employee who has been paid a separation allowance would not receive any unemployment or sickness benefits for a period following his separation from service; the length of the period is determined by a formula taking into account the amount of his separation allowance, his last daily rate of pay, and his normal workweek.

The amendments proposed by this title of the bill to the Railroad Unemployment Insurance Act would not require an increase in the contribution base or the contribution rate.

Mr. JAVITS. Mr. President, the amendments to the Railroad Retirement Act now before the Senate are the product of a combined effort by railroad labor, railway management, and the Railroad Retirement Board, a Federal agency. This measure was approved by the House last Thursday by a record vote of 321 to 0 and was reported favorably in this body unanimously by the Committee on Labor and Public Welfare.

In addition to giving increases to some 653,000 individuals presently receiving railroad retirement benefits, the measure adds an additional 3,000 beneficiaries—disabled widows between the ages 50 and 60 not presently included in the law. This is indeed a constructive improvement in the statute.

The benefits extended by this measure will go into effect on February 1. This legislation rectifies a situation created when Congress recently enacted the amendments to the Social Security Act. While those amendments automatically increase compensation for some railroad retirement beneficiaries, others were not covered. This bill takes care of that situation.

I wish to pay particular tribute to the leaders of railway labor and to the representatives of railroad management as well as the members and staff of the Railroad Retirement Board who, working together, developed this legislation which meets a vital need in providing equitable treatment for retired railroaders and their families and which brings up to date our railroad retirement statutes. I should also like to commend the members of the Railroad Retirement Subcommittee—the Senator from Rhode Island [Mr. PELL], chairman; the Senator from Oregon [Mr. MORSE], and the Senator from Pennsylvania [Mr. CLARK], on the majority side; and the Senator from Colorado [Mr. DOMINICK] and the Senator from Michigan [Mr. GRIFFIN], on the minority side—for their efforts in bringing to the floor of the Senate this highly complex and well-balanced measure. Retired railroaders and the Nation owe these men their gratitude.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I move that S. 2839, Calendar No. 935, reported by the Committee on Labor and Public Welfare, which is an exact companion of H.R. 14563, be postponed indefinitely.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider executive business.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF DEFENSE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nomination of Clark M. Clifford, of Maryland, to be Secretary of Defense.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill clerk read the nomination of Clark M. Clifford, of Maryland, to be Secretary of Defense.

Mr. MANSFIELD. Mr. President, I wish to commend the President for sending the nomination of Clark M. Clifford, of Maryland—formerly of Missouri and Kansas—to the Senate for confirmation and approval.

I am very happy that this man, with his widespread experience in Government, extending back to the days of President Truman, has been selected for this most arduous and difficult position. I would anticipate that this new civilian head of the defense agency will carry out his duties in a manner compatible with his responsibilities and in the best interests of this Nation.

Mr. DIRKSEN. Mr. President, there was a time—and it is well within my memory—when a respectable citizen would not want to be seen walking down

Main Street somewhere with John D. Rockefeller or J. Pierpont Morgan or some other tycoon who was reported to be worth millions of dollars. They had money, and so there had to be something sinister and something wrong with them.

It was about that stage of our history that if you made your mark or achieved status or position, you were owned by somebody. If you were from Texas, you were owned by the oil barons. If you were from New York, you were owned by the bankers. If you were from Pennsylvania, you were owned by steel or by the Pennsylvania Railroad. If you were from Delaware, doubtless you were owned by the Du Ponts.

It was the age when muckraking became a fine art. Sunday supplements and scandal magazines could send a reporter most anywhere and tell him to come back with a chunk of scandal about some prominent citizen. The technique is to give the person in question a generous pat on the back and then sink the knife in his ribs.

In this case, it happens to be Clark Clifford, who has been nominated to be the new Secretary of Defense. A recent column pointed out that he represented or did represent Standard Oil of California and the contracts they enjoyed with the United States. The column also pointed out that the El Paso Natural Gas Corp. and Radio Corp. of America were among his clients, and how many millions in contracts these companies enjoyed.

The same column placed some special emphasis on the fact that Clark Clifford had represented the Du Ponts and got their taxes reduced. What the column actually said was:

He got the Du Pont family's taxes reduced when they faced the prospect of paying Uncle Sam $470 million in taxes after the court decreed that they had to sell their General Motors stock. This was done by an act of Congress.

Now, Mr. President, that is where my interest really begins in the Clifford case. It is time to keep the history books straight and to keep them free from innuendos that might be implied.

I know something about it, because I recall when District Judge Walter LaBuy tried the Du Pont case, in Chicago, and ordered that corporation to divest itself of its General Motors holdings. It was a highly involved and complicated matter, and it did require legislation by Congress. That legislation was handled by the Senate Finance Committee.

Interestingly enough, both of the distinguished Senators from Delaware—namely, Allan Freer and JOHN WILLIAMS—were members of the Committee on Finance. There was a sharp difference of opinion that was not too favorable to the Du Pont Co., even though they were constituents. I know of no man, woman, or child in this country who ever doubted the integrity of Senator WILLIAMS, and frequently he has been referred to as "The Conscience of the Senate."

While this matter was pending, Crawford Greenwalt, who was the president of Du Pont, came to see me. Perhaps he saw other members of the committee, also. The thought occurred to me that if the Senate passed this bill, it would go to the President for approval or disapproval.

Frankly, I disliked the idea of the President having to pass on this matter without being fully advised of what was involved.

Accordingly, I arranged a meeting with the President. At that meeting was the President, Mr. Greenwalt, Senator Freer, of Delaware, myself, and Bryce Harlow, deputy assistant to the President for congressional affairs. The meeting lasted for 90 minutes. Afterward Mr. Harlow said to me that it was the first time he ever sat in on a 1½-hour conference and did not quite know what it was all about. It was technical, to say the least, and I could well understand.

But when this whole matter was finally concluded and the legislation enacted which was necessary in order to conclude this divestiture by the court, the position taken by Senator WILLIAMS and the chairman of the committee, the late Senator Harry Byrd, prevailed, and what it actually amounted to was that the U.S. Government collected $500 million more than they would otherwise have received in taxes, notwithstanding the fact that Clark Clifford was, according to this column, the attorney in the case. They paid $500 million more in taxes than otherwise would have been the case.

Clark Clifford was a practicing attorney. What would any lawyer do if substantial clients came to retain his services. When they hired him, he owed them his loyalty, his talent, his skill, and his diligence in representing their problems. He would have been stupid to have turned this business away.

Anyone who knows Clark Clifford knows that when he takes the oath as Secretary of Defense he will serve his Government with the same fidelity and integrity as he would a private client. I am certain that he would bend over backward to make certain that none of his earlier connections would in any way influence his judgment or develop a bias in behalf of a former client. Those relationships, if not already severed, certainly will be.

Clark Clifford is a patriot who will place his country first and who merits the trust and confidence of the citizens of this country.

PRESS ACCLAIMS PRESIDENT'S SELECTION OF CLARK CLIFFORD

Mr. STENNIS. Mr. President, President Johnson's nomination of Clark Clifford as Secretary of Defense has been widely acclaimed by our Nation's newspapers, and well it should.

Clark Clifford brings to this demanding position the qualities of greatness needed in these trying times—a keen mind, a cool head, and a wide experience in national and in international affairs.

His record of service to the Nation over the last 20 years is unparalleled. He has served as special counselor to President Truman, a member of the top-level Committee on the Defense Establishment, and Chairman of the President's Foreign Intelligence Advisory Board.

As a personal adviser and trusted emissary for three Democratic Presidents he has distinguished himself as a trusted and brilliant public servant.

The position he will assume is one of the most crucial and demanding in Government, with responsibilities only a strong man can undertake. I have expressed it this way: I think it is the second most demanding and the second most difficult assignment in the world, being second only to the Presidency of the United States.

Mr. President, Clark Clifford is superbly suited for this challenge. I make these remarks as statements of fact and without any obligation or sense of obligation of any kind, present or future, to the nominee.

The hearings held on his nomination by the Committee on Armed Services were revealing and quite rewarding. The vote to recommend the Senate's approval of the nomination was unanimous. I am sure that the Senate will speedily approve his nomination.

Mr. President, I ask unanimous consent to have printed in the RECORD a sampling of editorial comments on President Johnson's selection of Clark Clifford as Secretary of Defense.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Kansas City Times, Jan. 20, 1968]

DEFENSE CHIEF NOMINEE IS ASTUTE

(By John R. Cauley)

WASHINGTON.—Clark Clifford, appointed by President Johnson yesterday as the new Secretary of Defense, is a native of Fort Scott, Kans., who began his career in the government as special counsel to President Truman in 1946.

The Clifford family moved to St. Louis when Clark was a boy and there he attended public schools and was graduated from the law school of Washington university in 1928. He practiced law in St. Louis with the firm of J. M. Lashly.

PRESIDENT MOVES SWIFTLY

The appointment of Clifford came with dramatic suddenness yesterday afternoon when President Johnson summoned reporters into his office. Later Clifford met with reporters in the White House.

A tall, handsome, brilliant and articulate lawyer, Clifford has been referred to during the last two administrations as one of the "inside outsiders" because of his closeness to both the late President Kennedy and President Johnson and the wide variety of missions which had been entrusted to him.

Senator Symington (D-Mo.), who is perhaps Clifford's closest friend in Washington, said last night that the appointment is "a top notch and excellent one."

Asked what qualities Clifford would bring to the burdensome job as Secretary of Defense, Symington said, "Clark has character and thoroughness. He is also an extraordinarily good listener, but after he listens he has his own ideas.

"I would say that his outstanding attribute is his sound judgment."

WRY HUMOR IN ANSWERS

Impeccably attired in a light gray double breasted suit, black and white striped tie and a pin-striped tab collar shirt, Clifford answered questions from reporters in a serious vein interspersed with an occasional slant of wry humor.

Clifford said the first time the job was mentioned to him was when he was talking

one day to President Johnson shortly after the resignation of Secretary McNamara was announced. He said he assumed the President was making a jocular remark when he told Clifford that he had seen his name in the papers as a possible successor and assumed he was a candidate.

"I told him in all seriousness that I was not a candidate," Clifford said. "And I thought he might be giving me the sly needle. Then I talked with him several times later. I had been an adviser to him for four years and I thought my usefulness would serve him better in that capacity."

In the past, Clifford continued, that argument had been effective when it was suggested in one way or another that he take a cabinet post or some other high job in the government "but this time it was a complete flop."

Clifford said Mr. Johnson called him yesterday morning and explained that he was considering some defense problems and the President told him "it was a matter in which I might be interested."

DECLINES POLICY MATTERS

Clifford declined to answer what he called questions of policy and substance, saying that these would be matters on which he would be questioned at Senate hearings on his confirmation.

He said that he had "no illusions" about the job and that "I know the difficulty and impossibility of trying to satisfy everybody."

Back in World War II, Clifford volunteered for the U.S. Naval Reserve and was commissioned a lieutenant, junior grade. Later, he became naval aide to President Franklin D. Roosevelt. He left the Navy in 1946 as a captain.

Many observers here doubt that Clifford can set the grueling pace of Secretary McNamara with his 18-hour days. This prompted a question from a reporter about his health.

RECOVERS FROM HEPATITIS

Clifford explained that two years ago when he was in Vietnam, "I contacted virulent hepatitis. It is about over now. I do note a slight diminution in my endurance but that is getting better, too."

As one of the leaders in the presidential nomination campaign for Senator Symington in 1960, Clifford was asked about his role as a campaign strategist.

"This is about as nonpolitical appointment as the President could make," he said with a smile.

[From the Boston Herald Traveler, Jan. 22, 1968]

THE APPOINTMENT OF CLIFFORD

Much of the reaction to Clark Clifford's appointment as Secretary of Defense has been politically oriented—will the appointment strengthen President Johnson's relations with Congress and with people in this presidential election year?—and war-oriented, with most people assuming that Clifford agrees fully with Mr. Johnson's policy on Vietnam. It is hardly likely, of course, that the President would name anyone who disagreed markedly with him.

It is interesting to note, however, that Sen. J. W. Fulbright, a stern critic of the administration, has found kind words to say about Clifford, and that Sen. George Aiken of Vermont, another dissenter from Mr. Johnson's war policy, is withholding judgment until he learns more of Clifford's view on Vietnam.

It must not be overlooked that the job of Secretary of Defense involves more than politics and Vietnam, and that Clifford is a man of considerable talent and experience. An able lawyer, he is familiar with the workings of government—he helped draw plans for the unification of the armed forces in 1945—and has been successful in carrying out important assignments for three such diverse personalities as Presidents Truman, Kennedy and Johnson. Clifford clearly is not simply a Johnson man.

Whatever Clifford's own views, it is Mr. Johnson who must answer for our Vietnam policy. As far as politics is concerned, voters will judge the President, not the Secretary of Defense, next fall. Important as Vietnam and 1968 presidential politics are, there is another yardstick by which Clifford will be judged. First, will he be able to control and run efficiently the vast and sprawling U.S. defense establishment? Few have done it as well as his predecessor, Robert S. McNamara. Second, and more important, will he be able to preserve and reaffirm—as McNamara did—the principle of civilian supremacy over the military? Clifford will follow a tough act to equal. And how he will perform cannot be answered by any amount of politically-oriented speculation or examination by the Senate before the confirmation that seems sure to come.

[From the Christian Science Monitor, Jan. 23, 1968]

CLIFFORD FACES BUDGETING TASK

(By George W. Ashworth)

WASHINGTON.—Clark Clifford will have no easy task holding the financial line during his first year as the nation's new Secretary of Defense.

The administration will propose to Congress the highest defense budget since World War II. But it will be a very tight, carefully projected budget. If the performance of the past several years is an indication, the Pentagon will not be able to live within it.

At the crux of the Defense Department's difficulties is the Vietnam war. If, fortuitously, the war should be brought to a conclusion or if there were a prolonged truce for negotiations, costs would decline sufficiently for the Pentagon's money watchers to relax a bit.

If, on the other hand, hopes for negotiations prove illusory, the war can be expected to go on consuming men, materiel, and money at a rapid clip.

Many observers believe the heaviest fighting of the war may be ahead. The administration plans for the American strength in Vietnam to hit a peak of around 525,000 early in the fiscal year beginning July 1. Present strength is still under 490,000, and it is expected to climb only to 517,000 or 518,000 by the end of the fiscal year.

FIGHTING TEMPO INCREASES

Defense officials estimate that the war in Vietnam will cost $25.7 billions in fiscal 1969. Current beliefs are that $24.5 billion will be spent on the war during the current year.

Significantly, that sum is $2.6 billion above the administration's predictions when the current budget was prepared. The error of more than 10 percent has been largely blamed upon increased war tempo and the build-up.

Those items have indeed been expensive. The additional troop strength, granted at Gen. William C. Westmoreland's urgent request, has cost an estimated $1 billion more this year. The increased tempo of ground operations and the air war has added much of the rest. Defense officials point out, for instance, that bombing sorties are very expensive. At a dollar a pound, bombs become a financial problem as well as a political issue.

The current year's experience with the costs of Vietnam, however, demonstrates conclusively that the administration prepared a budget allowing for few contingencies. A top troop strength of 470,000, later fudged to 480,000, was envisioned. The Vietnam budget was, drawn up in such a fashion that it was immediately exceeded once that total was surpassed.

Defense officials say that the over-all defense spending for the current year will be approximately $74.4 billion. This is about one-half billion dollars above the budget.

Next year, defense expenditures are calculated at about $2.9 billions more than for this year. According to defense officials, $1.7 billions of the total increase will be caused by price increases. The war is to add another $725 million to the over-all total.

LEVELING OFF FORECAST

The current expectation is that the troop involvement in Vietnam and the amount of support necessary will level off during fiscal 1969. That, however, also was anticipated earlier for fiscal 1968.

While defense officials are willing to predict a leveling of men and materiel, they are chary of extending that prediction to cover the level of operations.

To make do during the current fiscal year without going to Congress for a budget supplement, the Pentagon has made drastic cuts in hundreds of categories. Unforeseen cost increases this fiscal year are expected to reach $6 billion. Rather than seek a supplemental, the Pentagon has slashed $4.3 billion on its own authority and plans to seek authority from Congress for another $1.7 billion in transfers.

Just what all of this budget paring has meant and will mean will not be known until the hearings before Congress. It is certain that much of the shifting has been from procurement budgets into operation and maintenance.

Defense officials have made known some particulars, such as that the Minuteman III missile program has been delayed 10 to 11 months. Budgeting aside, defense officials say that this will mean the Minuteman III will be more reliable when it joins the nation's strategic arsenal.

Secretary of Defense Robert S. McNamara has stalled Navy plans to build five destroyer escorts in order to save money and to see whether a new type of vessel under development might not be more suitable.

OTHER CUTBACKS NOTED

All of the cuts haven't been major, however. As part of the program, Mr. McNamara directed Pentagon officers to check their newspaper subscription lists to see if they could be pared without loss.

The cost cutting has had some happy results as by-products. Thousands of men in the Navy's Atlantic fleet had more leisurely Christmas holidays when much of the fleet was ordered into port for an extended time to save money.

Defense officials are planning now for a total draft call in calendar 1968 of 302,000 men, up 72,000 over 1967 and down 81,000 from 1966 level. Because the training establishment is expected to shrink slightly, the nation's total military strength is expected to decline slightly by the end of fiscal 1969.

But fiscal 1969 will not be an easy year financially. Chances are that the Vietnam war budget will be difficult to keep down. And current widespread cost cutting could cause problems next year.

[From the Los Angeles Times, Jan. 23, 1968]

A NEW MAN FOR DEFENSE CHIEF

Clark Clifford, designated by President Johnson to succeed Robert McNamara as secretary of defense, is by general agreement in Washington and elsewhere a man of considerable ability, experience and political acumen. His confirmation by the Senate is expected to be rapid and, in view of the praise senators have already given him, probably enthusiastic.

By profession Clifford is a lawyer. His nomination for the defense job is a rare break with practice, extending from James Forrestal in 1947 to Robert McNamara, which

has seen defense secretaries drawn from the ranks of business executives, Gen. George C. Marshall, President Truman's defense chief in 1950, and, earlier, Louis Johnson, a corporation lawyer, were the other exceptions since the department was constituted 21 years ago.

Clifford is no stranger to government, though he has served most frequently in little-publicized assignments.

He played a key role, beginning in 1945, in the unification of the armed forces. He has been an adviser to the last three Democratic Presidents, not only on military matters but in the areas of intelligence operations and as a political strategist. He is credited with playing a key role in the political strategy which won Mr. Truman election in 1948.

The most important task facing the secretary-designate, as The Times has noted before, will be continuing the basic and vital reforms instituted by Secretary McNamara.

In his seven years in a most difficult job, McNamara brought order to what had often been a chaotic situation. He presided over the basic shift from a defense posture of "massive retaliation" to one of "flexible response." And he asserted, we hope permanently, real civilian control over the military.

The big question is, of course, whether Clifford's tenure in the Defense Department will bring any major changes in the Vietnam war.

The obvious answer is that it's too early to tell. It would appear, however, that Clifford's views are not far different from those of McNamara, though Clifford is known to have opposed the 37-day bombing pause in 1966, a decision which it now seems clear was correct. The President, in any event, remains the prime decision maker, though the defense secretary can be influential, particularly—as McNamara has shown—in countering the often very hard line of the military.

An immense task faces Clark Clifford now, and the nation should wish him well in his endeavors.

[From the Baltimore News American, Jan. 23, 1968]

McNAMARA'S SUCCESSOR

It would be difficult to imagine a man more qualified than Clark M. Clifford to succeed Robert S. McNamara as Secretary of Defense. Both President Johnson and the nation are fortunate a man of such calibre and experience has agreed to accept designation for one of the three toughest jobs in Washington.

In a sense, Mr. Clifford is a predecessor of Mr. McNamara as well as his successor. It was he who drafted the act calling for unification of the armed services and establishing the office of Secretary of Defense in 1947 under President Truman. Thus the effective overhaul of the military establishment achieved by Mr. McNamara represents a goal first envisioned by the secretary-designate and his fellow planners a generation ago.

This was typical of the effective visionary astuteness provided by Mr. Clifford for more than 20 years either as an aide or consultant to Democratic presidents—all his close personal friends. In this role of key strategy advisor, the wealthy attorney has become one of the nation's most respected experts not only on military matters but in foreign affairs, economics, intelligence operations and political tactics.

Clark Clifford's unmatched experience, his proven know-how, and above all his exceptional tact in solving delicate problems in the mazes of official Washington meet the tremendous demands of his impending assignment. Yet his chief asset is something else. Unlike his brilliant but sometimes wavering predecessor, he is as firm a supporter of Mr. Johnson's Vietnam policies as is Secretary of State Dean Rusk. Once again the nation's three top leaders will be working in the kind of total cooperation and understanding vital for bringing the war to its earliest possible conclusion.

[From the Evening Star, Jan. 22, 1968]

THE PENTAGON'S NEW BOSS

At first blush, it is a bit startling to have the President select a man with virtually no administrative background to take over what is generally thought of as one of the toughest administrative jobs in the world.

But this will not be such a serious handicap when Clark Clifford settles himself in Robert McNamara's chair at the Pentagon. For McNamara has seen to it that the mechanism to administer the Defense Department is established and in good working order. And the bright young men are there to operate the mechanism. The new secretary will be able to leave the administrative details to them while he is learning the ropes, which will take a bit of doing and a lot of time.

What Clifford will not be able to delegate to his subordinates is the authority, and the toughness, to rebuff the pressures that can be brought to bear by the admirals and the generals. This is the secretary's job, and Clifford will have to take it on. If he doesn't do this, if he is not able to say no when he should say no, and make it stick, then he will soon find himself in deep trouble. He will lose key people and the concept of civilian control, so painstakingly and firmly developed by McNamara, will soon be a thing of the past.

On the plus side is the prospect of a greatly improved relationship with Congress, and especially with the Senate Armed Services Committee. Secretary McNamara had hit rock bottom in this respect. Furthermore, the congressional dislike and distrust of McNamara had rubbed off to some extent on the relationship between some of the senators and the President.

There is every indication that Clifford, at least at the outset, will not suffer from this handicap. Judging from the expressions which have been forthcoming, he is on good terms with everybody on each side of the congressional aisle. If he can keep it this way, and in his private activities he certainly has demonstrated that he knows his way around Washington, he will have a lot going for him in his new post.

One big unknown quantity is whether the choice of Clifford indicates that the pace of the war in Vietnam will be stepped up. This, of course, is something that will be decided by the President. But there is ample reason to think that Clifford would be more sympathetic than McNamara to a harder military approach.

Furthermore, as a newcomer to the Pentagon scene, Clifford could advocate a more aggressive policy with greater freedom than could any of the old hands in the Defense Department who subscribed to the McNamara points of view. They are stuck with their past positions. This, of course, is something that could cut the other way. Clifford, free of any public commitment to old policies, could without embarrassment also advocate restraint if that were his inclination.

However all of this may turn out, we wish the new secretary the best of luck when he takes office. Our hunch is that he will need it before he calls it a day.

[From the St. Petersburg Times, Jan. 20, 1968]

THE NEW DEFENSE SECRETARY

President Johnson's selection of Clark Clifford to be the new secretary of defense had not been widely forecast; yet it should come as no real surprise.

Clifford not only is one of the President's closest friends, confidants, and advisers, as he was to Presidents Kennedy and Truman, he is also one of the most knowledgeable men in Washington in the inner workings of government at all levels.

His diplomacy, his ability to work with the members of Congress, and an innate toughness that has kept him at or near the top of the political jungle in Washington for two decades make him quite possibly the best choice that could have been made to follow Robert McNamara in the nation's toughest job next to the presidency itself.

Clifford has not held a full-time government job since he served as special counsel to President Truman from 1946 to 1950. But while practicing law in Washington since, he has remained close to the sources of political power—particularly in the Senate during the Eisenhower years, when Lyndon Johnson was majority leader.

President Kennedy, after his election in 1960, called on Clifford to represent him with the Eisenhower Administration in the transfer of power.

He has served President Johnson not only as a personal adviser, but in such public ways as chairman of the President's Foreign Intelligence Advisory Board and emissary, with Gen. Maxwell Taylor, on a visit to our Far East Vietnam allies last year.

Clifford will embark on his new assignment with the full confidence of the President and with many friends and few enemies in Congress.

These are impressive assets, which will serve him well in maintaining the civilian control that McNamara has succeeded in establishing over the vast military establishment in the Pentagon.

The country will wish him well.

[From the Washington (D.C.) Evening Star, Jan. 22, 1968]

CLIFFORD TO GIVE MILITARY THEIR DAY

(By David Lawrence)

President Johnson, in appointing Clark Clifford to be secretary of defense, didn't pick a specialist in military matters but a man with a certain type of mind capable of serving as a top counsellor in the Cabinet—someone he has known a long time, too.

Actually, the termination of Robert McNamara's duty as secretary of defense and the selection of Clifford in his place is far more significant than a mere change in personalities. There was, of course, much said originally in favor of the choice of McNamara as secretary of defense. He had been a top executive in the Ford Motor Co. He was expected to give the huge department of the armed services the benefit of his talent—efficiency in organization. He was accustomed to handling large sums and determining the best way to get the most for the money—on a business basis.

But this is not always feasible in government. For in the Department of Defense, while the handling of large business contracts is an important part of the job, how can a secretary measure efficiency in evaluating the purpose of weapons or strategy when lives are at stake? Many a general or admiral might prefer to spend millions of dollars in preparedness that might seem to others to be wasteful. For if there is a chance to cut down the potential list of casualties in a given operation or piece of strategy, this is considered more important for the future than economizing.

Clifford is a good lawyer. He understands the art of reconciling differences of opinion and making compromises, as happened in out-of-court settlements which are frequently as difficult to handle as cases in court. Clifford is not the sort of official who will regard admirals or generals as mere champions of an unpopular philosophy. He will reflect their viewpoint to the President and express a layman's judgment as to what should be done, but Johnson will have to

assess for himself the consequences of his decision.

Where Mr. McNamara made his error was in assuming, as too many people mistakenly do nowadays, that military men are obsessed with certain prejudices in favor of more and more battle and the escalation of a war such as is going on in Vietnam. When given orders to repel aggression or to operate effectively along with an allied force in fighting the enemy, the problem is not one of politics or penny-saving but of effectuating the military strategy most likely to attain the desired objective.

Again and again military men have come up with big budgets deemed necessary for national defense. These have often been regarded as too large. But back of the recommendations has always basically been the military concept of how to protect national security. The biggest cut which a defense budget ever experienced, for example, was one year before the Korean War broke out. It caught the United States unprepared, though the warnings were plain as the Communists had taken over the mainland of China two years earlier.

Civilians, to be sure, make the final decisions, but Johnson now will have at his side a Cabinet secretary who will give the military chiefs every opportunity to present their case. This in turn will be analyzed and put into perspective for the President.

Clifford will be of great help to Johnson in maintaining the proper relationship of the Joint Chiefs to the President of the United States. They have in recent years been brought to the White House only if the President asked to see them or if one of their number ventured to take the initiative in requesting an audience. This is an embarrassing step to take with a strong-minded secretary of defense ready to assume someone is going over his head. During World War II the service chiefs were at the White House nearly every day, and a top military man stayed there all the time as a liaison officer.

For the business of saving human lives is a responsibility which the commander-in-chief himself must recognize as requiring above all else that he keep a first-hand contact with the military chiefs. After all, they have spent a lifetime studying tactics and strategy and the best way to operate in wartime.

Mr. BREWSTER. Mr. President, in nominating Clark Clifford to be the Secretary of Defense, the President has chosen a most distinguished and able man.

It was my honor and pleasure, as a fellow Marylander and on behalf of the Armed Services Committee, to report the committee's approval of his nomination to the Senate.

Mr. Clifford is eminently well qualified for the position of Secretary of Defense.

His service in the U.S. Navy gave him the experience of military life that will be so important in his new position.

In the private practice of law, Mr. Clifford has displayed extraordinary capabilities and intelligence in dealing with the legal problems of Government and private enterprise.

Perhaps most important among Mr. Clifford's qualifications is the trust that has been placed in him for so many years by the leaders of our Government.

Presidents Truman, Kennedy, and Johnson called upon his services in capacities that required a man of wisdom, judgment, and talent such as only he possesses. His assignments have covered a broad range of challenging national and international problems.

Mr. Clifford will be confronted with some of the gravest problems of our times when he takes office. But his credentials are impeccable.

It is my great pleasure to support his nomination.

The PRESIDING OFFICER (Mr. ELLENDER in the chair.) Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Frederick E. Batrus, of Maryland, to be an Assistant Postmaster General, which was referred to the Committee on Post Office and Civil Service.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

DEATH OF CARL A. LOEFFLER, FORMER SECRETARY OF THE SENATE

Mr. DIRKSEN. Mr. President, Mr. Carl A. Loeffler, who was elected the 16th Secretary of the Senate on January 4, 1947, and served in that capacity during the 80th Congress, died this morning at the age of 95.

Carl Loeffler first began service in the Senate in 1889 as a page boy, at the age of 15, and received his appointment from the late Senator Matthew S. Quay, of Pennsylvania.

Since 1910, Carl Loeffler held various elected positions under the Republicans of the Senate, serving as secretary of the majority or secretary of the minority as the political ratio of the Senate changed.

During his 59 years of service in the Senate, Mr. Loeffler served as secretary to the Republican Conference, the Steering Committee, and the Committee on Committees. He rendered faithful and efficient service to the Senate as well as to the Republican Party.

He was born on January 12, 1873, in Lock Haven, Pa., and always spoke of his native State of Pennsylvania, where as a boy he spent much time at Lock Haven.

When the Republicans lost control of the Senate in 1950, Mr. Loeffler chose retirement, and for the past several years had lived at the Westwood Retirement Home, in nearby Maryland.

In 1901 he married Miss Minnie Schneider, of Washington, and our sympathy is extended to her and to their two daughters who survive him.

I ask unanimous consent that several articles written about Mr. Loeffler be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GOP AIDE OF SENATE TO QUIT; SERVED UPPER HOUSE 59 YEARS—CARL LOEFFLER'S FATHER HAD WHITE HOUSE JOB

The Democratic victory last Tuesday means the retirement of Carl A. Loeffler as secretary of the Senate, ending a unique continuous family service at the White House and Senate extending over almost a century.

Spry, trim Loeffler, whose appearance belies his 75 years, went to work in the Senate in 1889 as a page boy at the age of 15 and he has served there since. His father, Maj. Charles D. A. Loeffler, an orphan immigrant from Germany, was detailed by the Army as White House doorkeeper to every President from Ulysses S. Grant to Theodore Roosevelt, inclusive. Before that he fought in the Civil and Indian wars.

Carl Loeffler is a Republican and was elected secretary of the Senate when the Republicans took control two years ago. He feels it is time to step out rather than down as he returns the office to Leslie Biffle, the previous Democratic secretary of the Senate who is slated to be elected again to that post.

Loeffler was appointed a page by the late Sen. Quay (R) of Pennsylvania. Since 1910 he has held various elective posts of the Senate Republicans. His 59-year service entitles him to a comfortable pension.

OLD GUARD OF THE OLD GUARD

(By William S. White)

WASHINGTON.—In his neat, gray, affably punctilious person, Carl A. Loeffler illustrates some of the changes that have come over Congress since the "old days"—a year ago—of Democratic control.

Mr. Loeffler is the Secretary of the Senate, a body in which he has played a faithful, though minor, part ever since he came here in old-fashioned black knee breeches fifty-eight years ago to be a page. He is as Republican as the memory of William McKinley, or, put another way, as Republican as the man who sent him here as a page, the celebrated Pennsylvania boss of a generation long gone, Matthew Stanley Quay.

His predecessor as secretary of the Senate, Leslie Biffle, was a "secretary" in only the most technical sense; a secretary who knew in fact as much of Democratic plans and high policy as any man in Washington, not excluding his great friend, President Truman.

Mr. Loeffler's position, on the other hand, is quite definitely that of an employe, albeit a very senior and valued one, who has in his charge some seventy other employes who look after Senate paper work, keep the bills and resolutions upon the proper ancient paths, and the like.

His office has charge of the enrolled bills; delegates messengers to the House to make the usual announcements about Senate work when bills are passing back and forth between the two bodies; helps arrange ceremonial functions involving the Senate; sends completed bills to the President, and acts as a sort of official receptionist to distinguished Senate visitors.

Mr. Loeffler is, in fact, the very picture of the experienced, able, career, Government worker, solemn, conscientious, careful not to go beyond the sphere of his office. Almost certainly, no one alive knows quite so much as he about the operations of the Senate.

Fifty-eight years of Congressional rhetoric have beaten about his unresisting ears and his own speech unconsciously has more than a touch of the Congressional manner of speaking. "Let's project this," he will say, for example, "to see if we can envision the

situation." Or, again, he will send a "tactfully admonitory letter, seeking a sane and sound solution," to an employee who has made a mistake.

These employes do not merely like Mr. Loeffler, they have an extraordinary devotion to this unassuming, essentially anonymous man, who can tell some great stories and speaks of Dewey's storming into Manila Bay as though it happened yesterday.

Like many men in or long associated with politics, his sense of history is one of his dominant characteristics. He has one of the world's great collections of autographs, begun by his late father, Major Charles D. A. Loeffler, USA, when the major was head doorkeeper at the White House in the days of President Grant.

These autographs run to names of the great in government and in war—General Grant's is prominent among them—and are from every point of view as remote as possible from the signatures gathered by the young movie fans of the present.

The conventionality, the sound responsibility of Mr. Loeffler's professional career is repeated in his private life. Born on Jan. 12, 1873, in Lock Haven, Pa., he was married in 1901 here to a Washington girl, Miss Minnie Schneider. He himself was graduated from the Spencarian Business College (a name redolent of the Nineties) and from Columbia University.

An official biography indicates his slow rise in the Senate, with the ebbs and flows of Republican power. It reads:

"Acting assistant doorkeeper of the Senate, March 13, 1913; assistant doorkeeper of the Senate, March 7, 1921–Dec. 15, 1927; assistant sergeant-at-arms of the Senate, Dec. 15, 1927; secretary for the majority of the Senate, June 18, 1929; secretary for the minority of the Senate [the transition here was sharp], March 9, 1933; secretary for the minority of the Senate (re-election), Jan. 14, 1943."

"He served as secretary to the Republican Committee on Committees," so the record runs, "and the Republican Steering Committee, and as clerk to the Republican conference. [He also] compiled the Senate documents on yea and nay votes on the Fordney-McCumber Tariff Act and the Smoot-Hawley Tariff Act."

REPORT ON U.S. AERONAUTICS AND SPACE ACTIVITIES—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 246)

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

This report details a year—and climaxes a decade—of American progress in space.

On January 31, 1958, a 31-pound Explorer I was fired from a Jupiter C rocket with 150,000 pounds of thrust. Ten years later, on November 9, 1967, a 280,000-pound Apollo payload was launched into orbit by a Saturn V rocket with 7.5 million pounds of thrust.

In the time spanning those two events, the United States has placed 514 spacecrafts in earth orbit. Twenty-eight others have been sent on flights to the moon or distant planets.

The technology amassed through those expeditions has justified this nation's commitment to conquer the challenge of space. It has encouraged us to lift our eyes beyond our initial goals and plan for the decade ahead.

The fruits of that technology have not been limited to space exploration alone. The knowledge built through our space program has benefited our earthbound lives. It has:

Revolutionized our communications throughout the world;

Given us better weather information and more accurate navigational and geographic data;

Brought improved medical instruments and techniques, advanced education, and added to our store of scientific knowledge;

Spurred the development of more sophisticated aircraft and improved flight safety;

Strengthened both the security of this nation and our leadership in the search for a peaceful and secure world.

We can look with confidence to an expansion of these benefits as our space program moves into its second decade.

Our accomplishments thus far point to the path of progress ahead: fuller observations of the earth, increasingly productive manned flights, and planetary exploration.

The year 1967 itself began with a major tragedy. Three of our gallant astronauts died in a fire while testing the Apollo capsule on the launching pad. Even as we saluted these men for the contributions they had made, we moved to improve the spacecraft as well as the safety procedures surrounding its use.

But though the year was shadowed by that disaster, its accomplishments significantly advanced our progress. The Saturn-Apollo flight in November was the greatest launch triumph to date. As the result of our success in photographing lunar landing sites, we have for the first time a complete mapping of the moon.

It is most heartening to me that our space program moved forward in a spirit of international cooperation, giving new hope that the conquest of space can contribute to the establishment of peace. Eighty-four nations participated in cooperative space activities with us. The Outer Space Treaty went into effect, after Senate approval. The United Nations unanimously recommended a procedure for the emergency rescue and return of astronauts and space equipment. I shall shortly be sending that treaty to the Senate.

It is with pleasure that I transmit this record of achievement to the Members of Congress, whose judgment and support have been essential to our aerospace progress.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 30, 1968.*

VETERANS' BENEFITS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 245)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

TO CARE FOR HIM

Looking beyond the tragedy of war, Abraham Lincoln saw a nation's obligation "to care for him who shall have borne the battle and for his widow and his orphan."

His words are enshrined in the spirit of this country's concern for its veterans and servicemen.

America holds some of its greatest honors for the men who have stood in its defense, and kept alive its freedoms.

It shows its gratitude not only in memorials which grace city parks and courthouse squares across the land—but more meaningfully in the programs which "care for him and for his widow and his orphan."

OUR ACCOMPLISHMENTS SO FAR

As the result of legislation over the past several years, today's veteran can continue his education through a new GI Bill of Rights, which right now is helping 400,000 men and women.

He can buy a home with a Veterans Administration-insured mortgage. Over 200,000 veterans have purchased houses because of this provision.

If he receives a pension, his increased payments now can afford him a better standard of living.

If he is disabled, or needs special medical care, he is eligible for the same benefits his fellowmen of earlier conflicts received.

FISCAL YEAR 1969 VETERANS BUDGET

In the Fiscal 1969 Budget, we will have budget outlays of $7.3 billion to provide services for America's 26 million veterans and their families, who make up 46 percent of the nation's population.

With these funds, we can continue the programs already in existence, and begin the new ones I will outline in this Message.

BASIC BENEFITS

Two programs to extend the basic benefits to America's veterans and servicemen are left on the unfinished agenda of the 90th Congress.

In my 1967 Message on America's Servicemen and Veterans, I proposed measures to:

Increase Serviceman's Group Life Insurance from a maximum of $10,000 to a minimum of $12,000—with higher amounts scaled to the pay of the serviceman, up to a maximum of $30,000.

Protect the veteran against disproportionate pension losses that could result from increases in other income such as Social Security.

I once again—once more—urge the Congress to enact these proposals.

Now, to continue and bring up-to-date our efforts to help the veteran and his family, I recommend two new legislative proposals.

First, I ask the Congress to increase the maximum guarantee on GI home loans from $7,500 to $10,000.

Home mortgage guarantees under the GI Bill normally cover about 35 percent of the value of a loan.

For eighteen years, that guarantee has remained at $7,500—adequate in

1950, but no longer so in today's housing market.

The increase I am recommending will help the veteran to purchase a decent home and get the financing protection which the law promises him.

Since World War II, with encouragement of the Government and supported by GI Bill guarantees, some $68 billion have been loaned by the private sector to home-buying veterans.

This suggests the beneficial impact the program has had on our economy.

But its meaning reaches deeper into the traditional values of American life. Almost 7 million veterans—many of them of modest means and some without even the money for a down payment—have experienced the satisfaction of home ownership through this program.

Second, I propose that the benefits of Vocational Rehabilitation be extended to service-disabled veterans being trained on a part-time as well as full-time basis.

Presently, a disabled veteran can take Vocational Rehabilitation and receive a training allowance only if he trains full-time. This restriction may present him with a hard choice: either leave his job for training, or forego the training itself.

Clearly, that choice is unfair.

The disabled veteran should be able to keep his job while he prepares for a better one through vocational training, drawing the allowance it provides.

THE QUALITY OF ADMINISTRATION

The purpose of our veterans program is to serve those who have served us.

That purpose can be blunted unless the quality of program administration keeps pace with the growth of our veteran population. Last year, almost three quarters of a million servicemen and women returned to civilian life. This year, that number will increase to over 850,000.

The ultimate effectiveness of our programs turns on these conditions:

The veteran must be aware of them.

He must be able to choose among them.

He must know that the help he needs will be there when he needs it.

We have tried to make certain that men leaving the service become familiar with the benefits that await them as veterans.

Last year, at my direction, the Veterans Administration took its services to the battlefield for the first time. VA teams counseled 220,000 fighting men in Vietnam, before they left their posts to return home.

I have asked the Administrator of Veterans Affairs to step up this program.

Late in 1966, the Veterans Administration began visiting sick and wounded servicemen at their bedsides in our military hospitals.

Since then, over 17,000 applications for special training and disability payments have been processed on the spot.

This program now operates in 110 military hospitals.

I have directed the Administrator of Veterans Affairs immediately to expand the program to the entire system of military hospitals.

Veterans Administration counseling is also now in operation at 150 military separation points.

I have directed the Administrator to extend this program to all 257 such centers.

Through these expanded services in hospitals and separation centers, the Veterans Administration can reach more than 70,000 servicemen each month.

The remaining task is to make certain all veterans are reached once they have returned to their communities.

Consider the man who comes home today. His Government has made a vast array of programs available to him. But what effect are the programs if he cannot find them? And in our major cities, where facilities are often scattered across widely-separated areas, this is a serious problem—particularly for those who need the programs the most.

The answer, I believe, lies in an effort we have never tried before for our veterans—the one-stop center. I believe we should locate in one place the offices where a veteran can receive personal attention and counsel on all the benefits the law provides him—from housing to health, from education to employment.

I have today ordered that U.S. Veterans Assistance Centers be opened in 10 major cities within the coming month. These cities are New York, Chicago, Los Angeles, Philadelphia, Detroit, Cleveland, Washington, D.C., San Francisco, Boston and Atlanta.

I propose to have one-stop centers in 10 other cities as soon as possible—Baltimore, Milwaukee, Houston, St. Louis, Pittsburgh, San Antonio, New Orleans, Indianapolis, Phoenix and Newark.

Based on the experience gained in these 20 pilot locations we look forward to establishing one-stop centers in other cities.

We will seek and welcome participation in these centers by State and local officials, and by community organizations engaged in helping the veteran.

JOBS AND TRAINING

MILITARY PROGRAMS

A man who has fought for his country deserves gratitude. But gratitude can be no substitute for the job he wants—and needs.

Particularly is it necessary to assure job opportunities to the veteran who has received few other advantages from life. It is this man who must be the focus of our concern and our attention.

We are beginning.

We are helping him as he enters the Armed Forces—through Project 100,000—and as he prepares to muster out—in Project Transition.

Project 100,000 extends the responsibilities of citizenship and the benefits of military training to young men who would otherwise be rejected because of educational or physical limitations.

This program was launched at my direction by the Secretary of Defense in late 1966.

In the first year, almost 50,000 disadvantaged young Americans were prepared in Army classrooms and clinics to take their place in basic training.

The results of their special training speak in these statistics:

96 percent graduated from basic training, almost the same rate for all trainees.

Some have gone on to Non-Commissioned Officer schools.

All have gained self-confidence and a sense of achievement which will serve them all the years of their lives.

I have asked the Secretary of Defense to enroll 100,000 men in this vital program during its second year.

Project Transition gives a boost to disadvantaged men in the six months before they return to civilian life.

Men without civilian skills and without education receive a concentrated program of preparation. In classrooms and at work benches, through counseling and job placement services, they are prepared for the road home.

I have asked the Secretary of Defense to extend Project Transition—proven in practice at five bases last year—to all principal troop installations in the United States. Our target is to reach 500,000 servicemen in the year ahead and then follow their progress in civilian life.

FEDERAL-STATE EMPLOYMENT OFFICES

Last year I was disturbed to learn that some veterans returning from service to their country had such difficulty finding jobs they had to rely on unemployment compensation.

This ought to be corrected.

To correct it, in August I directed the Secretary of Labor to give every returning veteran maximum assistance in obtaining useful and rewarding employment. Since that time, a system has been set up which operates in every State, through the network of more than 2,000 Federal-State Employment offices. That system has now made the names and addresses of 230,000 returning veterans available to Employment offices for personal contact.

The Secretary of Labor recently told me that early reports from the men, their parents, and Veterans Organizations show the program is achieving good results.

It is important that those results continue. It is in America's interest that this program succeed.

CIVIL SERVICE

The Federal Government has long set an example for the rest of the nation as a good employer of veterans. Veteran's preference is deeply imbedded in our Civil Service system.

But I am convinced that the Federal Government can be even a better employer.

Last month I asked the Chairman of the Civil Service Commission to develop an action plan to accomplish this purpose.

That plan is now completed.

I will shortly sign an Executive Order putting the plan into effect.

Its major impact will reach the veteran who needs experience, skill and education. He will be hired on a priority basis to fill jobs open in the first five levels of the Civil Service, without having to compete in the regular examination—provided he agrees to pursue a part-time educational program under the GI Bill.

This plan will also help veterans with technical or professional skills who want to work in the middle and upper Civil Service levels. Their applications will be given immediate attention.

VETERANS IN INDUSTRY

Most veterans, of course, will go into private industry—where six out of every seven Americans are employed.

Those returning to old jobs have rights protected under the law.

Those seeking new employment—or their first jobs—sometimes find the road difficult.

These young Americans, who have done so much for their country, merit the special consideration of the private employer.

That consideration cannot be imposed by Government decree—nor should it.

It is appropriate, however—particularly in these times when men are being called from their civilian pursuits to defend their country—for leaders of the Government to express their hope that right will be done to those who serve.

To help enlarge the opportunities for veterans' employment, I urge the enactment of a joint resolution expressing the sense of the Congress that private employers should give job priority to our returning servicemen.

Our objective is to make sure that every serviceman who returns to civilian life today and in the months ahead—no matter where he lives, what background he might have come from, what his hopes and ambitions are—will have the education he wants, the training he needs, and the opportunities for the job he is best suited for.

With the proposals I have outlined in this message, I believe we can advance toward that day.

VETERANS IN PUBLIC SERVICE

If the veteran needs his country's help, the country needs his more.

The veteran of Valley Forge knew better than most the value of the nation he was building.

The veteran of Antietam knew better than most the value of the Union he helped to heal and save.

The veteran of the battles that rage across the mountains and lowlands of Vietnam today knows better than most the value of the freedom he preserves.

That man is an asset beyond measure to his nation.

Wherever we can, we should continue to enlist him—in service to his community, when military duty is over.

To do this, I propose the Veterans In the Public Service Act of 1968.

This measure will provide incentives to channel the talents of the veteran to the most urgent needs of rural and urban America today:

To teach the children of the poor;

To help man understrength police forces and fire departments;

To do meaningful work in local hospitals, where skills are short;

To fill the ranks of VISTA, to work in Youth Opportunity Centers and in the Concentrated Employment Program.

The pattern of benefits will vary, depending on the individual and the occupation pursued.

Here is an example of how the program will work for the veteran who wants to teach in a deprived area:

While he is getting the schooling that will qualify him for teaching, he will draw additional benefits of $50 a month for every month he agrees to teach—up to three years of such extra benefits.

While he is actually on the job teaching, he will draw a special training allowance, in addition to his regular salary—$80 a month for the first school year, $60 a month for the second.

Should he decide to pursue a graduate degree while he is still teaching, he could—by continuing to teach beyond the second year—earn additional GI Bill educational benefits.

To launch this program, I have included $50 million in the Fiscal 1969 budget.

THE HEALING WORK

The Veterans Administration operates the nation's largest medical complex—166 hospitals and their related clinics across the country.

Last year, these hospitals and clinics treated almost 800,000 bed patients. Nearly 7 million veterans received outpatient care.

Their treatment is of the best quality modern medicine can provide—and it is improving with greater advances in pre-hospital and post-hospital care.

But VA medicine not only serves the veteran. Its benefits extend to the entire nation.

In research, VA doctors have pioneered in such vital work as heart disease, cancer, mental illness, and organ transplant.

In 1955, no money was spent for VA medical research. Now that amount exceeds $45 million. Its gains make it one of the nation's best investments.

In medical manpower, the Veterans Administration helps to train nearly half of all the doctors who graduate from medical school today.

The number of all medical specialists trained in VA hospitals each year totals some 40,000—including nurses, dentists, and other disciplines ranging from audiologists to social workers, who take their skills to the communities of this country.

There is room in the VA system to train even more.

And there is a pressing need in the nation for more.

I have directed the Administrator of Veterans' Affairs to step up the training of medical specialists.

To help overcome the medical manpower shortage in America, and at the same time improve care to America's veterans, our goal will be to train as many as 80,000 specialists a year in the VA system.

THE U.S. VETERANS ADVISORY COMMISSION

Last year, I asked the Administrator of Veterans' Affairs—in consultation with veterans' groups—to conduct a comprehensive study of the pension, compensation and benefits system for veterans, their families and their survivors.

I asked him to form an Advisory Commission which would evaluate these programs to assure that our tax dollars are being used most wisely, and that the Government is fully meeting its responsibilities.

That Commission, composed of 11 distinguished Americans, has now held hearings in cities all across the country.

We are looking forward to the recommendations of the Commission.

Every veteran who wants it—those who risked their lives at Belleau Wood, Iwo Jima, and the DMZ—should have the right to burial in a National Cemetery situated reasonably close to his home. I have asked the Administrator of Veterans' Affairs to make certain that the recommendations of the Commission include proposals to assure this right in a meaningful sense.

CONCLUSION

More than 20 years ago on the floor of the House of Representatives, I said that it is this nation's responsibility to see to it that "the veteran may return to his community as a free, upstanding and self-reliant citizen."

The times then, as complex as they seemed, were simple in perspective.

As President, I have seen—and acted on—the responsibilities unique to our own day.

The events of the past week have underscored their gravity.

Today, as in times past, it is on America's fighting men that this nation must depend.

Their service honors us all.

We look to that good day when they will return "as free, upstanding and self-reliant citizens."

It is in this spirit of concern for America's veterans that I submit this message to the Congress today.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 30, 1968.*

Mr. BYRD of West Virginia. Mr. President, with regard to the message from the President in respect of our Nation's veterans, I would like to say that this is the second historic message that the President has made reminding us anew of the debt of gratitude we owe our Nation's veterans.

The American Nation, and its aspirations of freedom and liberty for all mankind have survived because men have been willing to shoulder arms throughout our history in times of national crises.

Today we have in America more than 26,000,000 living veterans, the greatest number in our national history. These veterans, together with their families, compose some 46 percent of our national population.

Veteran affairs are no longer the concern of a few. They are woven inextricably into our national fabric. We have learned that what benefits veterans benefits the Nation. Especially through observing the results of our GI bills have we learned that veteran expenditures can turn into tremendous national investments in the future of our country.

Under the leadership of President Johnson and almost total support of Congress, the Nation in recent years has maintained viable programs for our veterans in keeping with ever-changing present-day needs.

In response to the President's message of 1967, Congress enacted the Veterans Pension and Readjustment Assistance Act of 1967. That far-reaching legislation did the following:

It gave Vietnam era veterans benefit parity with the veterans of our earlier conflict;

It increased GI bill monthly payments up to 30 percent; permitted disadvan-

taged veterans to finish high school under the GI bill without loss of entitlement to follow-on college training, and authorized on-the-job, farm cooperative, and flight training under the GI bill.

It boosted pension payments for 2,000,000 disabled veterans, widows and children by from 5.4 to 8.5 percent.

It extended the cutoff date for World War II GI loans by 3 years.

This act was but one of many recent enactments on behalf of servicemen and veterans. In recent years Congress has provided:

A new GI bill for post-Korean veterans;

Three military pay raises since August 1965;

A comprehensive military medicare program;

A low-cost form of group insurance now providing $36 billion worth of protection for more than 3,700,000 servicemen;

A 10-percent average increase in disability compensation;

A 1965 cost-of-living pension increase amounting to $96 million annually;

VA appropriation increases of $300 million a year for each of the past 3 years;

Nursing home type care for veterans for the first time;

Increased educational assistance allowances for war orphans, and higher subsistence payments for disabled veterans taking rehabilitation training; and

A reopening of GI insurance, permitting 210,000 disabled veterans to acquire insurance with a face value of $1.5 billion.

This latest Presidential message opens new vistas for further serving our veterans, and at the same time encourages their continued service to our Nation.

The President calls for—and we should surely support—an increase in the amount of insurance protection provided for the men in uniform today, an increase in the portion of GI loans guaranteed by the Government from $7,500 to $10,000, and the authorization of part-time vocational rehabilitation training for service-disabled veterans.

The message also requests—and I feel we will want to enact—a renewed plea to provide safeguards against pension losses that could result from increases in other income such as social security, a congressional resolution to urge private employers to give job preference to returning servicemen, and a most imaginative new program to encourage the participation of veterans in vitally needed public service careers.

Although it calls for no congressional action at the moment, I was glad to note in the President's message firm recognition that action needs to be taken if we are to make the right of a veteran to burial in a national cemetery a meaningful reality.

I am sure that my colleagues share my pride in the congressional response to the first message submitted by the President.

Mr. President, I am hopeful, and I believe I can say I am confident that this new, important message will meet an identical response.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from West Virginia in what he has just had to say about the message by the President of the United States on veterans' benefits.

The leadership met this morning and we had an opportunity to go over the message, and I agree with everything that the distinguished Senator has said.

I am delighted that we are not forgetting our veterans, as we have all too often in the past. They have invested their lives in the protection and future of our Nation.

In this way, Congress and the President can, in some small manner, repay them for the sacrifices and the losses they have suffered through the years.

Incidentally, let me say that in the State of Montana, with a population of 700,000, there are approximately 100,000 veterans. I think that is a pretty fair ratio for a State of that size.

I am delighted that the President has made the proposals. Like the distinguished Senator from West Virginia, I am confident that Congress will support these requests fully. I anticipate that the appropriate committees will take action at an early date on the suggestions and proposals made by the President.

Mr. BYRD of West Virginia. I thank my majority leader.

Mr. BREWSTER. Mr. President, the President touched on a number of important areas in his message to Congress on veterans affairs. Two parts which caught my special attention were his imaginative plan to bring qualified veterans into the classrooms of depressed areas and his recognition that something must be done to guarantee every veteran who wants it the right to burial in a national cemetery situated reasonably close to his home.

The solution to many of our domestic problems can be enhanced by the plan called veterans in public service.

In his proposal the President, of course, concentrated on the benefits the returning veteran would receive. They include:

An extra $50 a month while the veteran is attending school for every month he agrees to teach in a deprived area. He may have up to 3 years of such extra benefits.

A special training allowance for the vets in public service—VIPS—teacher in addition to his regular salary in the deprived area. This would amount to $80 a month for the first school year he teaches and $60 a month for the second.

These provide obvious, clear benefits—which offer an incentive for the veteran to enter the program.

But look at the benefits to youngsters, and even to the economy.

By participating in VIPS, the veteran will have a goal for himself. He will be trained for something he can be proud of and from which others will benefit. As a teacher he will hold a place of importance in his community and will make a proportionate economic contribution.

Youngsters in deprived areas in overcrowded cities and in forgotten rural areas will also benefit. They are bound to profit by having a veteran—one who has won the uniform of the United States—as their teacher. They will be in contact with someone they can look up to, someone like themselves who has overcome the obstacles, someone who is a living example of what they can accomplish.

Surely, education is the guardian of democracy.

I also applaud the President's recognition of the growing problem of limited space in our national cemeteries. I have given this matter much thought, and it seems to me that a realistic solution can be more rapidly found by consolidating the responsibilities of the national cemetery system within one agency rather than among three, as it is now divided. It appears to me that the Veterans' Administration is the logical place to concentrate this matter. No agency is closer to the serviceman once he becomes a veteran, and no agency has been more involved in the welfare of veterans. Certainly, this welfare should extend to fulfilling a veteran's desire for burial in a national cemetery.

I will make every effort to turn the President's fine idea—the VIPS program into a reality and to quickly find a satisfactory solution to the problem of the national cemetery system. I am proud to support the President's entire program.

Mr. BAYH. Mr. President, in his message to Congress today, President Johnson has once more outlined a program which would do much to help the needs of our servicemen and veterans. It seems to me to be of the utmost importance that Congress should seize this opportunity to show its support for the men who represent us in the Armed Forces of the United States. By responding to the proposals brought to our attention by the President, Congress can demonstrate its gratitude in a tangible way.

One of the major problems brought to our attention by the President is the plight of the older veteran who receives a small pension because of his limited income. In any such pension system some recipients will be so near the income limit that a small increase in their income—such as an increase in their social security benefits—has the effect of reducing or even eliminating their pension.

The President raised this matter in his message to Congress last year, and as a result the House of Representatives passed legislation last year to resolve this problem. Now it is up to the Senate to act by completing this piece of unfinished legislation.

Clearly, the needy veteran should be protected against disproportionate pension losses.

There is a second piece of unfinished business that the President brought to our attention last year—the $10,000 maximum limit in servicemen's group life insurance. This limit was established approximately a half century ago, in a very different economic era, and clearly should be increased.

The President has proposed a measure which would increase SGLI to a minimum of $12,000, with higher amounts scaled up to $30,000 according to the pay the servicemen receives. In view of the increased costs of goods and services and the mounting burdens of modern-day life, these increases seem to be no more than equitable.

The passage of these measures would clearly show that, while we fully support the men who are fighting today in Vietnam, we have not forgotten the veteran who has represented us in fields of battle of the past. It should be understood, of course, that these proposals would also benefit the young veteran as well as his older counterpart.

On the other hand, the expansion in benefits provided by the veterans in public service program would be primarily for the young. Although the President's concern that there should be provided the right to burial in a national cemetery is a matter of most concern to the older veterans, all former servicemen and their families would be affected eventually. As the President stated, this right should be assured in a meaningful sense by having the national cemetery situated reasonably close to where he lives.

The President also called upon Congress to act in other fields, and he reported on what the administration, generally through the Veterans' Administration and the Department of Defense, will do to further enhance the contribution the Nation can make to its veterans.

The President, during his career as a Member of Congress, once said that it was the Nation's responsibility to see to it that "the veteran may return to his community as a free, upstanding and self-reliant citizen." I fully subscribe to that belief, and pledge support of the President's programs in behalf of servicemen and veterans. Congress should take all necessary steps to secure the prompt enactment of these measures.

Mr. McGOVERN. Mr. President, it has been my observation, that the wars in which the United States has participated have not been equally popular. And the American men who have been—and are today—called upon to serve are not equally motivated.

President Johnson certainly has shown himself to be the friend of the men called upon to bear arms. Last year he became the first President in history to bring a special message to Congress on servicemen and veterans.

This message provides for many measures that will prove beneficial not only to the individual veteran but also, indirectly, to the whole Nation.

One fine example is the increasing of educational allowances for college training and the farsighted idea that allows a youngster to finish high school under the GI bill without diminishing his eligibility to get a college education.

The new message on servicemen and veterans affairs presented to us by the President also has many beneficial provisions.

I, for one, fully appreciate the need to give children the sound background upon which they can build their future education. The veterans in public service program recommended by the President is designed to do just that, in addition to the benefits it provides for the veteran teacher.

The President also has correctly concerned himself with the obligations this Nation has undertaken to provide each veteran a final resting place in a national cemetery reasonably close to his home and family. I will await with interest the recommendations to come forth on this subject from the Veterans Advisory Commission.

The President's concern for the men who have served this Nation in time of trial and tribulation is to be commended. I solemnly pledge my support in this effort.

Mr. TALMADGE. Mr. President, President Johnson's message to Congress today on American servicemen and veterans, like his message on the same subject last year, outlines programs that demand our immediate attention.

I, for one, intend to do everything possible to bring about the same expeditious and meaningful action on these proposals that followed the President's earlier proposals in behalf of veterans.

Aside from the President's far-reaching and beneficial program as outlined in his message today, as a Georgian I am exceedingly pleased to say that there are plans for locating one of the 10 new U.S. veterans assistance centers in Atlanta.

Another point in the President's message was of special interest to me. This was his reference to the Veterans' Administration medical program.

I see in the Veterans' Administration medical program a potential for public good that has not been fully tapped. Its past accomplishments are impressive, but they are only a pioneering step, and there is still much to be done.

To be sure, our support for veterans' hospitals, should be based, as it has been in the past, on our obligation to provide the best care for the men who have fought our battles and for freedom throughout the world. But by meeting this obligation fully, we can help all of our people in this and future generations.

Great medical progress can be a by-product of providing the best medical care for veterans. It is significant that VA hospitals are constantly increasing their capacity to treat more patients without increasing their number of beds. In fact, during this fiscal year, VA hospitals will treat almost 180,000 more veterans than they did in 1958, with the same number of beds.

This means, of course, that more effective treatments have been developed and more efficient use is being made of medical manpower.

I might point out at this time that three of the finest and most efficient VA hospitals in the country are located in Atlanta, Augusta, and Dublin. And we are proud of the good work they are doing in caring for veterans and in medical research.

Without a doubt, medical manpower is one of our most critical national shortages. A Presidential Advisory Board has reported that this shortage will grow ever more critical in future years. Our population and ability to afford medical care are growing at a much faster rate than the training of medical manpower.

If the Veterans' Administration can quadruple its capacity for training doctors, nurses, dentists, and other health specialists in the next 5 years, we will have come a long way toward meeting the future medical problems of our country.

We should keep these things in mind as we consider legislative support of these measures.

Mr. NELSON. Mr. President, the President's message contains several proposals to update the Nation's efforts to help the veteran and his family.

These are planned not only to assist the serviceman and veteran but the entire Nation.

The proposed increased coverage of serviceman's group life insurance from $10,000 to a range from $12,000 to $30,000 is more in keeping with today's economy than the present $10,000 limit set 40 years ago.

The protection of pensions is a necessary step.

The increase of the GI loan guaranty from $7,500 to $10,000 is a reasonable attempt to give stability to legislation which is 20 years out of date.

A proposal to permit part-time vocational rehabilitation will solve in great part a manpower unemployment problem, as does the suggestion that veterans be given priority for jobs in private industry.

The President's proposal to establish veterans in public service is a most imaginative way to direct the abilities and maturity of our veterans to meet the urgent problems in the crowded cities and our less developed rural regions.

By giving them incentive to receive additional training and schooling under the GI bill of rights, and then to work in the deprived areas of our country, we will be taking a bold step forward toward helping to solve two vital problems facing our country today.

These are areas where this Congress can act.

As a member of the Veterans' Subcommittee of the Senate Committee on Labor and Public Welfare, I am hopeful we can give the President's proposals early consideration.

Mr. MONTOYA. Mr. President, the President certainly said the right thing at the right time in his address on servicemen and veterans. With so many young Americans in Vietnam, and now with the possibility of new conflict in Korea, our attention naturally focuses on the men who will fight—are fighting—and have fought in our behalf and in behalf of freedom.

The President obviously has been thinking about these men. It must be a terrible burden for him when he is called upon to make the hard decisions—decisions that will jeopardize lives—including American lives.

As a Member of Congress, I deem it a privilege to support the wide range of proposals he has made to assist our men.

Three proposals, particularly, come to my mind. These three are so obvious that I can only wonder why we have not acted before. Certainly we should enact necessary legislation to bring these matters up to date as soon as possible.

One of the measures I refer to is the $10,000 limitation on servicemen's group life insurance. As the President pointed out, this is the same amount that was available to servicemen in World War I—a half century ago. Compare this with other economic yardsticks—the average wage, the cost of a home, the cost of

securing a college education, the cost of food for a week—between, say, 1918 and 1968.

The President's proposal seems modest enough to me. He is asking for a minimum of $12,000 insurance with amounts scaled up to $30,000. Who would say that our servicemen should not be entitled to that amount of coverage?

Another dollar figure woefully out of date is the limitation on the maximum guarantee for a GI home loan of $7,500.

Eighteen years have now passed since there was an increase in the maximum VA is permitted to guarantee in a home loan. Then, in 1950, the average price of a home purchased with a GI loan was $8,720—today it is $17,605.

Again, the President has asked for a modest increase—to $10,000. Again, I ask, Who would raise a voice in opposition to this proposal?

In his message, the President takes note of a third problem that calls for action in the near future. He has asked for a recommendation from the Veterans Advisory Commission that will assure veterans that they will be able to have their final resting home in a national cemetery. This goal is commendable, one that we will all be able to support.

This surely is the right time for the President to submit his servicemen's and veterans' package. I submit that likewise this is the right time for Congress to act on the measures that will come before us. This last session of the 90th Congress is apt to be a comparatively short session. So, before time becomes a factor, I recommend prompt response on the part of my colleagues. I commit myself to doing everything in my power to secure prompt passage of the President's program.

Mr. HOLLINGS. Mr. President, as I see it, the proposals made by President Johnson in his message to Congress on servicemen and veterans is not merely a necessary followthrough to the Veterans Pension and Readjustment Assistance Act of 1967, it is a significant step toward helping America's veterans to help themselves.

Some of the suggestions are so obviously necessary that little discussion will be called for such as equalizing insurance and increasing the GI home loan guarantee from $7,500 to $10,000. Others, show farsightedness and sound planning.

The proposals in the message sent to us last year and the message we have received today go a long way toward solving many problems confronting the veteran and his dependents.

Legislation to protect veterans and dependents of deceased veterans from suffering financial loss because of any increase in social security payments is a must. It is ridiculous to put a dollar into a man's left hand while at the same time taking $2 from his right hand—and in some cases that is exactly what would happen.

Along with the proposed increase in the GI loan ceiling from $7,500 to $10,000 we should increase the GI insurance limit and for the same basic reason—a dollar does not buy as much today as it did once.

The opening of veterans assistance centers in major cities to help veterans is an important step.

I am glad the President is recognizing the national cemetery problem. A rising protest has followed the curtailing of burial space and the allotment of graves by rank. The 6 feet of space occupied by the lowest ranked enlisted man is just as consecrated, just as sacred to his kin as the grave of a commanding officer.

The national cemeteries should be under the jurisdiction of the Veterans' Administration. The VA can administer the burial program with justice and decency. I hope this is the recommendation which will be made by the U.S. Veterans Advisory Commission.

I hope this Congress acts swiftly so that it will be remembered as one that felt deeply the sacrifices of our fighting men.

Mr. ANDERSON. Mr. President, some of the programs for which we appropriate money sometime fail to render the results that we intend. Some of the programs are so long-range in scope that it is many years before we reap the results of our expenditures. But there is one program that we have always been able to see immediate results, and that is the veterans benefit program.

The people of this Nation have always willingly condoned the enactment of legislation which provides benefits for our servicemen. The new legislation being proposed by the President in his message on veterans and servicemen's benefits will meet with this same enthusiastic support I am sure.

One of the reasons we have been so willing to provide benefits to our veterans is that we can see instant results. We see thousands of young men going to college and joining the mainstream of society in providing a better America. We see thousands of young families building new homes with GI loan guarantees, surging on our economy while establishing a firm future for themselves. We see veterans returned to their communities whole and healthy after being treated in Veterans' Administration hospitals.

It was only right that we should have enacted legislation last year to bring Vietnam veterans to a level of all other veterans. The new legislation proposed by the President enlarges the realm of the assistance by realistic programs. I look forward to taking part in the committee's consideration of this legislation.

Mr. BENNETT. Mr. President, I am confident that Congress will give its quick appraisal and consideration of the proposals made by the President in his message on servicemen and veterans' benefits.

The continuing concern of this Nation for those men who have borne arms in its defense is a mark of a great country. These benefits express the will of the people who are desirous of expressing their gratitude for the sacrifices that military service demands.

The message last year encouraging extensive changes in the existing laws to encompass equal benefits for our Vietnam veterans, followed this year by another detailed message, reflects the earnest concern of the President for the welfare of our servicemen and veterans. The message this year goes further because it takes into consideration the great contributions veterans may be able to make in the development of our society.

Opportunity is the key word of this message. Veterans appreciate compensation and pensions, and the right to hospitalization, and all of these programs should be adequate and comprehensive. But more than this, they deserve them, and we should see to it that benefits mean more than just that. The rehabilitation processes in which the VA is involved and the programs of on-the-job training are necessary and should be expanded. But our problem really starts once the veteran is prepared to hold down any job. Then is when we must provide the means to enable him to secure gainful employment.

It is encouraging that the Department of Defense has instituted programs, and the President has ordered they be continued and expanded, that will prepare some of our servicemen for jobs who otherwise would have no vocations.

I welcome this message from the President. I commend him for his thorough and complete analysis of the entire veterans' program.

OUR ACCOMPLISHMENTS ARE COMMENDABLE, BUT DO NOT MEET THE NEEDS OF OUR VETERANS—PASSAGE OF PRESIDENT'S PROPOSALS ON VETERANS' LEGISLATION URGED BY SENATOR RANDOLPH

Mr. RANDOLPH. Mr. President, all of us in the Congress can be proud of the part we have played, individually and as the legislative branch of government, in providing America's veterans and dependents with meaningful programs of benefits and assistance.

However, I agree with the President's statement in his special message that, as generous and forward looking as our legislative accomplishments have been, legislation alone does not meet the just needs of our 26 million veterans who, with their dependents, comprise 46 percent of our national population. There had to be—and there has been, as the President said—a compassionate, vigorous and dedicated administration of the benefit programs.

Many agencies, and more importantly the dedicated officials and employees in these agencies, are to be commended for their cooperation and participation in vital programs designed to aid our service men and women.

The Department of Defense, through its Project Transition, is providing thousands of servicemen with limited skills and needed occupational training before they are discharged so that they will be employable once they return to civilian life.

Federal-State public employment services are helping veterans find jobs and for the first time are actively seeking out the returning veteran and offering him individually tailored job finding assistance and employment counseling.

The Veterans' Administration's representatives have extended counseling service to the battleground in Vietnam, and have given veterans' benefit information and assistance to 220,000 combat servicemen while they were still in Vietnam.

The Veterans' Administration has also brought its services to the bedside of servicemen in our military hospitals. According to the President, since October 1966, VA representatives have conducted more than 37,000 personal, in-depth interviews with seriously disabled veterans, and have processed 17,000 applications for vocational rehabilitation and disability compensation.

So vital and worthwhile has this type of hospital and preseparation counseling and interviewing on veterans' benefits been, that the President has directed the expansion of this service from 110 to 176 military hospitals, and from 150 to 257 service separation points in this country.

I have had the privilege of conferring with Veterans' Affairs Administrator William J. Driver on important legislation on numerous proposals to provide increased opportunities for veterans while at the same time insuring that our Nation utilizes to the maximum extent the capabilities of our veterans.

I strongly endorse the President's Veterans in Public Service Act of 1968. This measure will provide incentives to channel the talents of the veteran to the most urgent needs of rural and urban America today.

While the veteran who wants to teach in a deprived area is receiving the schooling that will qualify him to do the job, he will draw additional benefits of $50 per month for every month he agrees to teach—up to 3 years of such extra benefits.

While he is actually teaching, he will draw a special training allowance, in addition to his regular salary, amounting to $80 a month for the first school year and $60 a month for the second.

I am confident that the Congress will act quickly and favorably to insure that compassion and dedication continue to distinguish this Nation's effort to serve those who served. I trust we will act with dispatch on all phases of the President's proposed programs in behalf of veterans and servicemen.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Administrator, Rural Electrification Administration, U.S. Department of Commerce, reporting in accordance with the provisions of Senate Report No. 497, Department of Agriculture and related agencies appropriation bill, 1964, on the approval of a loan to the Lower Colorado River Authority of Austin, Tex., in the amount of $25,000,000 to finance certain generation and transmission facilities (with an accompanying paper); to the Committee on Appropriations.

PROPOSED 2-YEAR EXTENSION OF AUTHORITY OF FEDERAL RESERVE BANKS TO PURCHASE U.S. OBLIGATIONS DIRECTLY FROM THE TREASURY

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF POTOMAC ELECTRIC POWER CO.

A letter from the president, Potomac Electric Power Co., transmitting, pursuant to law, a copy of the balance sheet of the company for the year ended December 31, 1967 (with an accompanying paper and report); to the Committee on the District of Columbia.

PROPOSED APPROPRIATION FOR PEACE CORPS

A letter from the Director, Peace Corps, transmitting a draft of proposed legislation which will enable the Peace Corps to continue its work on behalf of world peace and understanding (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an examination of financial statements for the fiscal year 1967 of the Tennessee Valley Authority (with an accompanying report); to the Committee on Government Operations.

PROPOSED APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF SUPERGRADE POSITIONS IN DEPARTMENT OF JUSTICE

A letter from the Director of Personnel, U.S. Department of Justice, transmitting, pursuant to law, a report on the 19 GS–16 and GS–17 positions authorized for use by the Attorney General, for the year ended December 31, 1967 (with an accompanying report); to the Committee on Post Office and Civil Service.

PROPOSED APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION

A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to authorize appropriations to the Atomic Energy Commission (with an accompanying paper); to the Joint Committee on Atomic Energy.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. KENNEDY of New York, from the Committee on Labor and Public Welfare, with an amendment:

S. Res. 218. Resolution to authorize funding of the Indian Education Subcommittee of the Labor and Public Welfare Committee; referred to the Committee on Rules and Administration.

REPORT ENTITLED "APOLLO 204 ACCIDENT" (S. REPT. NO. 956)

Mr. ANDERSON. Mr. President, I ask unanimous consent to file before midnight tonight on behalf of the Committee on Aeronautical and Space Sciences a report entitled "Apollo 204 Accident." This report is the result of hearings held by the committee on the Apollo 204 accident.

The report has been approved by a majority of the Senators on the committee; however, Senators MONDALE, BROOKE, and PERCY have expressed their additional views which will be attached thereto. Mr. President, I ask unanimous consent that the report be printed together with the additional views.

The PRESIDING OFFICER. Without objection, the report will be received and printed, as requested by the Senator from New Mexico.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Committee on the Disposition of Papers in the Executive Department, to which were referred for examination and recommendation a list of records, transmitted to the Senate by the Archivist of the United States, dated December 12, 1967, and January 22, 1968, that appeared to have no permanent value or historical interest, submitted reports thereon, pursuant to law.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 2885. A bill for the relief of Michelangelo Giannatassio; to the Committee on the Judiciary.

By Mr. McCLELLAN (by request):

S. 2886. A bill to provide for the operation of the William Langer Jewel Bearing Plant at Rolla, N. Dak., and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. McCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 2887. A bill to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida, Alabama, Louisiana, and Mississippi, for the recognition of certain historic values at Fort San Carlos de Barrancas in Florida and Fort Massachusetts in Mississippi, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MONRONEY (for himself and Mr. HARRIS):

S. 2888. A bill to authorize reimbursement to the States for certain toll highways, bridges, and tunnels on the Interstate System, and for other purposes; to the Committee on Public Works.

(See the remarks of Mr. MONRONEY when he introduced the above bill, which appear under a separate heading.)

By Mr. KENNEDY of Massachusetts (for himself, Mr. CLARK, and Mr. KENNEDY of New York):

S. 2889. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational and other natural resources; to the Committee on Commerce.

(See the remarks of Mr. KENNEDY of Massachusetts when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLINGS:

S. 2890. A bill for the relief of Dennis Yiantos; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

S.J. Res. 134. Joint resolution to assist Vietnam veterans in obtaining suitable employment; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. LONG of Louisiana when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

CONTINUATION OF THE SPECIAL COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. MONRONEY (for himself, Mr. BOGGS, Mr. CASE, Mr. METCALF, Mr. MUNDT, and Mr. SPARKMAN) submitted the following resolution (S. Res. 247); which was referred to the Committee on Rules and Administration:

S. RES. 247

Resolved, That the Special Committee on the Organization of the Congress, established by Senate Resolution 293, Eighty-ninth Congress, agreed to August 26, 1966 (as amended and supplemented), is hereby continued through December 31, 1968.

SEC. 2. The special committee is hereby authorized to exercise the powers conferred upon it by section 2 of Senate Resolution 311, Eighty-ninth Congress, agreed to October 17, 1966, through December 31, 1968. The expenses of the special committee from February 1, 1968, through December 31, 1968, shall not exceed $100,000, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the special committee.

INVESTIGATION OF ADMINISTRATION, OPERATION, AND ENFORCEMENT OF THE INTERNAL SECURITY ACT—REPORT OF A COMMITTEE

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution (S. Res. 248); which was referred to the Committee on Rules and Administration:

S. RES. 248

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, insofar as they relate to the authority of the committee, to make a complete and continuing study and investigation of (1) the administration, operation, and enforcement of the Internal Security Act of 1950, as amended; (2) the administration, operation, and enforcement of other laws relating to espionage, sabotage, and the protection of the internal security of the United States; and (3) the extent, nature, and effect of subversive activities in the United States, its territories and possessions, including, but not limited to, espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government or organizations controlling the world Communist movement or any other movement seeking to overthrow the Government of the United States by force and violence.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1968, to January 31, 1969, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,300 than the highest gross rate paid to any other employee; and (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 3. Expenses of the committee, under this resolution, which shall not exceed $426,800, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

WILLIAM LANGER JEWEL BEARING PLANT

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to provide for the operation of the William Langer Jewel Bearing Plant at Rolla, N. Dak., and for other purposes.

This bill is introduced at the request of the Administrator of General Services. The Administrator has indicated in his request to the President of the Senate that the Government-owned jewel bearing plant, located at Rolla, N. Dak., is the only facility in the United States capable of producing jewel bearings in quantity.

The plant was established in 1952, but subsequently placed in the National Industrial Reserve, created by the National Industrial Reserve Act of 1948. At the present time, the plant is leased to the Bulova Watch Co. for the production of jewel bearings and related items which are sold to the national stockpile, Government contractors, subcontractors, and to other industrial consumers.

Funds for operation of the plant are limited to: first, sales by Bulova to Government contractors and industrial users; and, second, sales to the national stockpile under purchase contract between the GSA and Bulova. The sale of bearings to the Government are at cost, while other sales are made at a fixed price which does not permit the accrual of sufficient capital for the acquisition of raw materials, work in process, operating supplies, and other operating expenses in advance. Because of the absence of working capital funds, the plant is unable to maintain adequate inventories of finished bearings, raw materials, and other facilities which are needed to plan and control production schedules.

The Administrator of General Services further reported that continued operation of the plant is essential to the national security, and that the best method of assuring an adequate supply of such bearings would be to operate it on a contractual basis and finance its operations through a revolving fund. This bill would provide the necessary authority to adequately finance the operation of the facility and, at the same time, clarify the basic authority of GSA to make a management-operation contract.

I ask unanimous consent that the letter dated December 1, 1967, to the President of the Senate from the Administrator of General Services be printed in the RECORD at this point, as a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2886) to provide for the operation of the William Langer Jewel Bearing Plant at Rolla, N. Dak., and for other purposes, introduced by Mr. McCLELLAN (by request) was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. McCLELLAN is as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., December 1, 1967.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of legislation "To provide for the operation of the William Langer Jewel Bearing Plant at Rolla, North Dokata, and for other purposes."

This proposed legislation is part of the legislative program of the General Services Administration for 1967.

The Government-owned jewel bearing plant located at Rolla, North Dakota, is the only facility in the continental United States capable of producing jewel bearings in quantity. It was established in 1952 and subsequently placed in the National Industrial Reserve created by the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462). Formerly known as the Turtle Mountain Plant, it was designated as the William Langer Jewel Bearing Plant by Public Law 89–784, approved November 6, 1966.

The draft bill would provide the necessary authority to adequately finance the operation of the facility and, at the same time, clarify the basic authority of GSA to make a management-operation contract.

The plant is currently leased to the Bulova Watch Company for the production of jewel bearings and related items for sale to the national stockpile, to Government contractors and subcontractors, and to other industrial consumers. The lease will expire June 30, 1968.

Funds for operating the plant are limited to two sources: (1) sales by Bulova to Government contractors and subcontractors and other industrial users, and (2) sales to the national stockpile under a purchase contract between GSA and Bulova. Sales to the stockpile are made at actual cost. Sales to others are made at fixed prices approved by the Government, based on estimated production costs.

Any excess of total sales income over actual costs on nonstockpile sales is required by the terms of the lease to be placed in a direct order rental account. This account may be used only to meet any losses, including uncollectible accounts, resulting from nonstockpiled sales.

As a result, there is no means of financing the costs of raw materials, work in process, operating supplies, and other operating expenses in advance. The facility is therefore operated as a "job shop", and except for bearings required under the stockpile contract, is unable to plan its production schedule on a rational basis.

Because of the absence of working capital funds, the plant is unable to maintain appropriate inventories of finished bearings. This not only limits unduly the ability of the plant to fill orders requiring immediate delivery, but also results in high unit costs due to small production runs.

Under the current lease, to the extent the direct order rental account is not sufficient to meet any losses resulting from nonstockpile sales, the lessee would have to make up the difference from its own funds, since no Government funds are available for this purpose. Although this situation has not arisen, it has been a matter of considerable concern to the lessee.

The continued operation of the plant is considered by the Office of Emergency Planning to be essential to the national security. As indicated, however, the present method is unsatisfactory. We have concluded that the best solution of the problems outlined is to contract for the management and operation of the plant, with operations to be

financed through a revolving fund. Under existing law, GSA has no authority to establish such a fund.

Section 1 specifically authorizes the Administrator of General Services to provide for the operation of the plant, by contract or otherwise, to produce jewel bearings and related items for Government use or for sale. Prices would be fixed so as to recover all applicable operating expenses, including depreciation of buildings, machinery, and equipment.

Section 2 authorizes the establishment of a separate fund and makes the fund available for use, without fiscal year limitation, for all necessary operating expenses of the plant.

Section 3 authorizes the transfer of the plant and its assets to the revolving fund upon the termination of the existing lease. The transfer would, of course, include the balance of the direct order rental account established under the present lease, as mentioned above. Although his section authorizes appropriations to the fund, it is not anticipated that any such appropriations will be necessary.

Under section 4 of the bill, all receipts from plant operations would be credited to the fund.

Section 5 provides that any net income of the fund, after provision for prior year losses, if any, shall be transferred to miscellaneous receipts following the close of each fiscal year.

In the Supplemental Appropriation Act, 1963 (Public Law 88-25), funds were provided for the modernization of the plant. This modernization is now virtually completed, and it is our intention to make every effort to reduce the unit cost of jewel bearings as well as to increase, to the greatest extent possible, the sale of jewel bearings to Government contractors and subcontractors and other industrial users for defense related purposes. We consider that the proposed change in method of operation is essential in connection with these efforts.

GSA recommends prompt and favorable consideration of the draft bill.

Enactment of the proposed legislation would not affect the budgetary requirements of GSA.

The Bureau of the Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

LAWSON B. KNOTT, Jr.,
Administrator.

INTERSTATE FREE HIGHWAY ACT OF 1968

Mr. MONRONEY. Mr. President, I send to the desk, for appropiate reference, the Interstate Free Highway Act of 1968. This legislation would authorize reimbursement to the States for certain toll highways, bridges, and tunnels on the Interstate System of Highways, and would require the approval of the Secretary of Transportation before any future toll facilities could be constructed as a part of the Interstate System.

In the Federal Highway Act of 1956, Congress provided for the construction of the National System of Interstate and Defense Highways—the Interstate System—which was so named because of its paramount importance to the national and civil defense, as well as to commerce among the States.

The Interstate System spans the entire continental United States, linking together the many urban centers of the Nation. It contains a total of 41,000 miles of which over 24,000 miles are already open to traffic and over 6,000 miles are under construction. The entire system was originally programed for completion by 1972, but it now appears that completion will not occur before 1975.

From the beginning, it has been the intent of Congress that the Interstate System be developed as a system of free highways. Congress established a pattern of user taxes to support a trust fund covering costs of the system.

In keeping with that principle, the Federal Highway Act provides that all highways constructed with Federal funds shall be free from tolls of all kinds. Congress took this position because it has always been clear that the national interest is served better by free facilities than by toll facilities.

Since 1940, there have been more than 4,000 miles of toll facilities constructed in 39 States. Of this amount, some 2,359 miles, representing 22 facilities in 18 States, are incorporated into the Interstate System. It was predicted that passage of the Federal Highway Act of 1956 would drastically curtail new toll road construction, and for a few years that was the case. However, in the early 1960's, the trend was reversed.

A resurgence of toll road construction, which has occurred in spite of a multibillion-dollar Federal-aid program, can be attributed to the inadequacy of existing law. As was determined by the Public Works Committee of the U.S. House of Representatives after extensive hearings last year, the proliferation of toll facilities on the Interstate System is very undesirable. The committee declared that what was needed was a movement not in the direction of more, but of fewer and fewer toll facilities.

Particularly with regard to the Interstate System, the desirability of nontoll construction is clear—especially at this advanced stage of the program—there is no justification for constructing so much as another mile of toll road on the Interstate System.

Most toll facilities are financed with revenue bonds and the cost of these is invariably higher than the cost of either general or limited obligation bonds used to construct nontoll facilities. A toll facility has the added cost of toll collection, and in some instances the cost of additional personnel for management, operation, and maintenance. For example, in 1965 alone, the cost of collecting tolls on the major toll roads in the Nation was approximately $30,000,000.

Major "costs" which the motorist may be required to pay for a toll facility are: First, the use of his toll money to support airports, dock terminals, bus terminals, warehouses, railroads, super skyscrapers, cultural centers, the nonhighway needs of local communities and the general revenue fund of a State; second, the sacrifice of many millions of dollars in Federal aid that would have gone to the State for the construction of the facility; third, the subordination of the motorist's interest to that of the authority's bondholders; and, fourth, the severe curtailment of private enterprise development along the corridor of the toll facility.

There are other costs, and some of these compromise the purposes of the Interstate System, for which the U.S. motorists will expend in excess of $50 billion. For instance, Congress specifically provided that the Interstate System was to be an integrated network of highways. It is not, and under the existing law there is no way in which the Federal Government can make it so.

Instead of an integrated system, we have one in which all too often two Interstate Highways intersect without a direct connection between them, simply because one of them is free and the other is toll. This lack of proper connection results in additional travel, confusion, inconvenience, loss of time, and greater traffic hazards.

The Interstate Free Highway Act which I will introduce today will not result in an overnight solution to the problem created by toll facilities on the Interstate System. It will, however, provide incentive for the States to take those steps necessary to free toll facilities on the Interstate System within their boundaries.

The bill would do nothing more than implement the stated purpose of the Federal Highway Act, and it would give equitable reimbursement to those States which had the foresight to accelerate the program by toll construction. The formula for reimbursement which I propose is based on original construction cost, plus improvements, less depreciation.

Excluded from the determination of cost would be the cost of financing and the cost of constructing toll collection facilities and other fixtures not included in the definition of the term "highway" in the Federal Highway Act.

The final formula for reimbursement will, of course, depend on the information brought out at public hearings. I believe, however, that the legislation which I propose will accelerate the completion of the Interstate System as a free system, and will reverse the trend toward future toll construction.

We are rapidly approaching the completion of the Interstate System. The time for legislation such as the Interstate Free Highway Act is now.

Mr. President, when you travel the toll road system and you pay 6 cents a gallon in taxes, a substantial portion of which goes to the Federal Government for its 90 percent of the Interstate System that it pays within the State, and you pay a toll in addition to that, you are paying an exorbitant tax for the use of that road. I figured it out, on a road in Oklahoma—one that would have been free within 4 years, under state ownership—in the presence of a recent Governor, Governor Turner, who sought Federal aid to construct this road, and to bring together the superhighway connection between Tulsa and Oklahoma City.

Today it takes 6 gallons of gasoline to go the 86 miles between Oklahoma City and Tulsa. At 6 cents a gallon, this figures out to 36 cents in taxes. For that trip, you pay $1.40 for the toll; thus your total cost is in the neighborhood of $1.75, for the 6 gallons of gasoline that you use, or a tax in excess, if you figure it

for road purposes—and it is designated for road purposes—of 25 cents per gallon of gasoline used.

This is the type of duplicate charges that the people of America, by the million, are paying in order to travel on the so-called toll traps, or roads that preceded the Federal Interstate System. I am advised that for 1960, the latest year for which figures are available, more than $370 million was paid by motorists for travel on toll roads on specifically the Interstate Highway System. The figure on the bridges I do not have for the Interstate System, although this bill would encompass the purchase of those bridges by the Federal Government through use of the highway trust fund, eliminating such toll traps as these bridges or tunnels, which impede and burden interstate traffic to the extent of more than a quarter of a billion dollars—about $250 million, if my memory serves me correctly—per year.

I use these examples, Mr. President, to show that the time is past for us to tolerate toll traps on the main streets of America, because that is what the Interstate Highway System is. We have an interstate highway fund into which all motorists, all truckers, and all users are paying, and I think they are entitled to get the roads they are paying for. They are paying for free interstate highways, and that is the purpose for which I have introduced this bill.

We are rapidly approaching, as I have said, the completion of the Interstate System, and it is high time for legislation now to free this Interstate System from the burden of dual taxation that motorists who use some parts of the system must now endure.

Mr. President, I intend to ask for reprinting of the bill at an early date, when Senators numbered in the dozens, who have expressed an interest in the bill, will have had a chance to cosponsor it; but I should like for them to have an opportunity to study it, not only as it applies to the interstate toll road system, but as it affects some 36 States, as to the linkage of the Interstate System with the traffic over their own State toll road systems.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2888) to authorize reimbursement to the States for certain toll highways, bridges, and tunnels on the Interstate System, and for other purposes, introduced by Mr. MONRONEY (for himself and Mr. HARRIS), was received, read twice by its title, and referred to the Committee on Public Works.

THE ELECTRIC POWER RELIABILITY ACT OF 1968

Mr. KENNEDY of Massachusetts. Mr. President, it has been more than 2 years since the great blackout of November 1965 left 30 million people in the Northeast United States without power for up to 12 hours. It has been 8 months since the blackout in the Middle Atlantic States, which left 13 million people without power, convinced Americans that blackouts are not freak occurrences.

They are, rather, a common fact of modern day life. And they are common not because they are unavoidable. They are common because the utility industry views itself as a composite of individual, local units, a view contrary to reality and to commonsense.

In fact, experts say that only the cool weather of last summer saved parts of the United States from more severe blackouts and restrictions on power use. This is not the mark of a healthy industry.

BACKGROUND

The administration has proposed legislation designed to remedy this lingering insularity in the utility industry, and thus to improve reliability, lower costs, and better service. The administration bill, S. 1934, would do so through encouraging formation of regional electricity planning councils and better regional interconnections. A number of other bills have been introduced, each dealing with a particular aspect of the problem. The Senate Commerce Committee has had 1 day of hearings on these bills, on August 22, 1964, and plans further hearings this session, both field and Washington hearings.

On the House side, there has also been 1 day of hearings on the administration bill. I was privileged to testify before the House committee, and in so doing I proposed a number of changes in the bill. I viewed the bill as focused almost exclusively on the technical and corporate aspects of the blackout problem, and the changes I proposed dealt with two other aspects: protection of natural resources, and citizen protection.

Congressman JOHN MOSS has introduced a revised version of the administration bill, but it, too, deals primarily with the technical and corporate aspects of blackouts. It is, in many respects, superior to the administration's bill, correcting certain oversights and clarifying a number of obscurities.

But I felt the need to broaden the coverage of the administration bill, and consequently have prepared a revision of it. Congressman OTTINGER and I have collaborated on this revision, and he will be its sponsor in the House.

NATURAL RESOURCES

Electric utilities are a steady polluter of air and water. Transmission lines mar the countryside, from the Pacific to the Atlantic. Utility plants themselves can destroy scenic or historic areas.

Let me cite a few specific examples:

The Storm King controversy, for example, raged for years. Would Con Edison be permitted to build a generating plant at Storm King Mountain, and thus forever destroy its value as an unspoiled recreation area?

A second battle of Antietam raged last summer, over whether the Potomac Edison Co. would be allowed to construct transmission towers 11 stories tall alongside Antietam battlefield, John Brown's farm, and the Chesapeake & Ohio Canal near Sharpsburg.

The Commonwealth of Massachusetts brought suit against a power company seeking to construct a nuclear generating plant on the Connecticut River, to prevent thermal pollution of the river. Nuclear generating plants need vast amounts of water for cooling purposes, and if improperly controlled, the discharge from these plants can kill all the wildlife dependent upon the river. One recent estimate states that by 1980, nuclear generating plants will be using one-fifth of the total fresh-water runoff of the United States for cooling. The discharge is usually 11 to 23 degrees hotter than the intake. The Massachusetts law was dropped after the power company agreed to regulate the temperature of its discharge to limits recommended by fish and game experts.

In Connecticut, the State public utilities commission granted an unrestricted permit for the construction of overhead powerlines and towers at a scenic area of the Connecticut River near Middletown. But the State water resources commission ruled that the lines would have to be buried under the river or moved within 5 years. Not surprisingly, the matter is now in the courts.

A number of small towns outside Boston—Sudbury, Wayland, Concord, Framingham, among others—have been battling the power companies for 7 years over whether transmission lines should be buried as they pass through the Sudbury River Valley, with its homes and buildings dating to the Revolutionary War. The towns insist that the lines be put underground; the utility companies insist on overhead wires. The dispute is still raging.

Studies of air pollution bear out common experience: utility companies pour tons of dirt and noxious and dangerous contaminants into the air we breathe every day. Powerplants are the third largest source of air pollution, accounting for some 20 million tons of airborne pollutants a year. In Boston, in New York City, in Washington, and in hundreds of other cities—the towering chimneys and smokestacks pour out smoke hour after hour, week after week. Public attention and legislation in recent years gives us a ray of hope that this problem will not be so severe sometime in the future as it is today. But much more in research, in pollution control devices and laws, in good faith efforts, remains to be done.

These isolated and unconnected examples are just a few from among thousands. Some measure of the seriousness of just one of these problems—the overhead transmission line situation—is revealed in statistics. Today some 7 million acres of land are devoted to transmission lines. This figure will triple by 1980, to 20 million acres—or twice the acreage of our national park system. There is, consequently, some urgency to our efforts to devise economical and feasible ways to put lines undeground.

The revised bill I introduce today would establish a National Council on the Environment, with three members appointed by the President. This Council would pass on all FPC licensing and other actions, from the point of their impact upon the environment. The Council would not have a veto over FPC actions, but it would report on each license or other action, and the FPC would be required to consider the report in making its final decision.

The three members of the Council would be experts in conservation matters. Thus, their report to the FPC Commissioners would reflect an expertise and concern not otherwise available to it. This procedure would, I think, do much towards giving an evenly balanced perspective to decisions of the FPC in its licensing and other actions.

CITIZEN PROTECTION

Utilities are legal monopolies, and as such have the power of eminent domain. Eminent domain is an extraordinary sovereign power, and when it is exercised by a profitmaking corporation, by legislative grant, then the safeguards should be powerful and certain.

Today, the average citizen is virtually helpless when his property is condemned unless he has adequate finances to retain an attorney. Further, many courts are restricted in the factors they can use in setting condemnation awards.

My revision would put the burden of proof on the utility desiring to condemn the right-of-way. This burden of proof would go not only to establishing that the taking is necessary, but also that no reasonable alternative exists. It also requires courts to consider environmental, conservation, and land-use factors as well as the traditional cost benefit and service improvement factors, in setting condemnation awards.

This provision would restore commonsense to utility land taking procedures. Traditionally, utilities have been given the benefit of the doubt and permitted to proceed in secrecy and unfettered. We should tolerate this no longer.

Another provision of my revised bill deals with reporting of expenses by utilities. All utility expenses are of course passed on to the consumers. Senator LEE METCALF has argued persuasively in his book "Overcharge" that because utilities are franchised monopolies, their expenditures are, in essence, public expenditures. As such, they should be available for public scrutiny.

My bill would require that utilities with projects pending before the FPC file detailed, semiannual reports of project-related expenditures. These reports would be available for public inspection. The utilities would be required to mail summaries to their customers. Also, utilities would be required to file annual reports of general expenses for promotion, publicity, public relations, advertising, and contributions, which would also be available for inspection.

There were charges made in Congress this year that private power companies in New England financed a campaign against appropriations for the Dickey-Lincoln public power project in Maine. Dickey-Lincoln would be New England's first public power project, and as such it would provide the region with the Nation's highest power costs with a yardstick of lower power costs. Claims were made that the private power companies had a vested interest in preventing the introduction of Dickey-Lincoln's yardstick, and that this was the reason for the campaign against the project.

Any expenses the companies incurred, of course, in lobbying against Dickey-Lincoln, were passed on to the consumers. Thus, the consumers of New England find themselves in the anomalous position of financing a campaign against lowering their own electric rates.

Funds for Dickey-Lincoln are again requested in the administration's budget for fiscal year 1969. If the past is indeed prolog, then once again the consumers in New England will find themselves financing a campaign against lower cost power. My bill would permit them, for the first time, to find out how much they are being charged to perpetuate the higher rates. It would do so by opening up for public inspection all lobbying and public relations expenses.

OTHER PROVISIONS

My revision deals with a number of other problems as well. Those include expanding the capacity of existing transmission line corridors, rather than constructing new ones; a study of the economic impact of overhead transmission lines; inclusion of nuclear and large thermal generating plants within the FPC's jurisdiction; and others. I would expect to explain these in detail when hearings are held on the reliability bills.

CONCLUSION

Americans are using more and more electricity every year. Production in 1967 totaled 1.2 trillion kilowatt-hours, a 6-percent increase over 1966. Average residential use of electric power in 1967 rose to 5,600 kilowatt-hours, an increase of 3,000 kilowatt-hours over 1966.

As we grow more and more dependent upon electricity—for traffic control, for elevators, for hospital equipment, for communications, for laborsaving devices—we must be vigilant to see that the public interest is the interest being served. "Public interest" has a different meaning today than it did 10, 20, or 30 years ago, reflecting the growing maturity of our society. Today, the public interest demands attention to natural resources, protection of the citizen, breaking down the traditional insularity of generating and transmission companies, and determined efforts to prevent blackouts.

My revision of the administration's Electric Power Reliability Act does not alter in any significant way the provisions designed to enhance reliability. What it does do is establish guarantees that other aspects of the public interest will be served better than they have in the past.

Mr. President, I ask unanimous consent that the text of my bill and a comparison of the administration's bill, S. 1934, the Moss bill, H.R. 12322, and my own bill, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and comparison will be printed in the RECORD.

The bill (S. 2889) to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational and other natural resources, introduced by Mr. KENNEDY of Massachusetts (for himself, Mr. CLARK, and Mr. KENNEDY of New York), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Electric Power Reliability Act of 1968."

SEC. 2. (a) The Congress finds that increased reliability in the generation and transmission of electrical energy is important to the national defense, the commercial life of the country, and the general welfare of the people of the United States; that the rapidly growing demand for power, the increase in the size and complexity of generating and transmission facilities and the rapidly advancing technology in the generation and transmission of power requires a high level of coordination in the generation and transmission of electric power within and between regions of the country; and that a new part IV of the Federal Power Act, as added by this Act, will serve to provide the means for increasing and improving such coordination and reliability.

(b) Congress finds that the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic and recreation assets, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States and that actions taken under the authority of this Act should be consistent with these goals.

SEC. 3. A new part IV is added to the Federal Power Act, as amended (16 U.S.C. 791–825r), to read as follows:

"PART IV—REGIONAL COORDINATION

"APPLICATION AND OBJECTIVES OF PART; DEFINITIONS

"SEC. 401. (a) This part shall apply to all bulk power supply systems in the United States.

"(b) This part is intended to further the national policy declared by subsection 202(a) of the Federal Power Act, by assuring an abundant supply of electric energy throughout the United States with the greatest possible economy and consistent with the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic and recreation assets, and the strengthening of long-range, land-use planning, by enhancing the reliability of bulk power supply; by strengthening existing, and establishing new, mechanisms for coordination in the electric utility industry; by encouraging the comprehensive development of the power resources of each area and region of the United States to take advantage of advancing technology; by providing that all utility systems and their customers shall have access to the benefits of coordination and advancing technology on fair and reasonable terms; by assuring, to the extent feasible, that extra-high-voltage facilities include sufficient capacity to meet area, regional, and inter-regional needs for transmission capacity, including reserve capacity for reliability; by respecting the territorial integrity of utility service to the extent consistent with the public interest, and by drawing upon the cooperation of all segments of the electric utility industry.

"(c) As used in this part, 'person' means a 'person', 'municipality', or 'state', as defined in section 3 of the Federal Power Act, and any department, agency, or instrumentality of the United States. The term includes privately, cooperatively, federally, and other publicly owned persons.

"(d) As used in this part, 'bulk power supply facilities' means facilities for generation or transmission of electric power and energy. In the exercise of its authority under section 414 the Commission may classify or exempt facilities which are not material to the objectives of this part.

"(e) As used in this part, 'extra-high-voltage facilities' means transmission lines and associated facilities designed to be capable of being operated at a nominal voltage higher than one hundred and thirty kilovolts (130KV) between phase conductors for alternating current or between poles for direct current the construction, extension or modification of which is commenced two years or more after the enactment of this part, and thermal including nuclear and fossil fuel generating units or plants and associated facilities designed to be or capable of being operated at a capacity of 200 megawatts, the construction, extension, or modification of which is commenced four years or more after the enactment of this part.

"RELATION TO OTHER PARTS

"SEC. 402 (a) This part supplements parts I, II, and III in order further to promote the reliability, abundance, and efficiency of bulk power supply in the United States and to assure that actions taken pursuant to all parts shall be consistent with the enhancement and preservation of the environment, the conservation of natural resources, including scenic, historic and recreation assets and the strengthening of long-range urban-suburban land-use planning. Nothing herein shall modify or abridge authority granted under part I, II, or III unless specifically so provided.

"(b) All orders of the Commission pursuant to this part shall be subject to all review procedures set forth in section 313 of this Act and the administrative, procedural, and enforcement provisions prescribed by other parts shall also apply to this part.

"COOPERATION OF BULK POWER SUPPLY SYSTEMS

"SEC. 403. The purposes of this part should be achieved as far as possible by cooperation among all persons engaged in bulk power supply, or affected thereby, whatever their nature.

"REGIONAL POWER COORDINATION ORGANIZATIONS; ANTITRUST IMMUNITY

"SEC. 404. (a) After appropriate consultation, held under procedures to be prescribed by the Commission, with persons engaged or interested in bulk power supply, appropriate Federal agencies and state commissions, state and local officials and local, regional and state land-use, planning agencies, if any, the Commission shall secure the establishment of appropriate and effective regional organizations and procedures to carry out regional and interregional coordination. Each regional coordination organization (hereafter 'regional council') shall be open to membership by each electric system in the region, whatever the nature of its ownership or of its facilities. Some electric systems may in appropriate cases be admitted to more than one regional council. The Commission shall, and the State commissions within the region may, designate appropriate staff representatives, who shall participate in the work of the regional councils, except for the ultimate adoption of coordination plans or any other council actions.

"(b) Under such rules as the Commission shall prescribe, each regional council shall file a statement of its organization with the Commission and any amendments thereto. The Commission shall promptly publish notice in the Federal Register of the filing of each such statement and each such amendment. Such statements and amendments shall be available for public inspection. Within thirty days after adoption by the council, any regional or interregional coordination plan or amendment thereto developed by such regional councils shall be submitted to the Commission under such rules as the Commission shall prescribe. The Commission shall promptly publish notice in the Federal Register of the filing of each such coordination plan and amendment. Such coordination plans and amendments shall be available for public inspection. The Commission shall consider such coordination plans and amendments in exercising its responsibilities under this Act, including parts I, II, III and IV: *Provided*, That such coordination plans and amendments shall in no manner be construed or considered as comprehensive plans pursuant to section 10(a) of Part I of this Act (16 U.S.C. 803a).

"(c) After notice and opportunity for hearing, the Commission may by order determine whether any statement filed under this section is consistent with the objectives of this part. If the Commission approves a statement, and finds further that the effect of the statement upon competition will be insubstantial or will be clearly outweighed by other public interest considerations, actions pursuant to such statement shall not be subject to suit under the anti-trust laws while Commission's approval remains in effect. The Department of Justice shall become a party with full rights of participation and appeal, upon filing notice of intervention with Commission. If the Commission determines that the statement is not consistent with the objectives of this part it shall modify it or set it aside.

"(d) After public notice and opportunity for hearing, to be held insofar as practicable in the region affected, the Commission may determine whether any coordination plan submitted under this section is consistent with the objectives of this part. If the Commission so finds, and finds further that the effect of the coordination plan upon competition will be insubstantial or will be clearly outweighed by other public interest considerations, actions pursuant to such coordination plan shall not be subject to suit under the anti-trust laws while the Commission's approval remains in effect. The Department of Justice shall become a party with full rights of participation and appeal upon filing notice of intervention. If the Commission determines that the coordination plan is not consistent with the objectives of this part or not in the public interest it shall modify it or set it aside.

"(e) The Commission shall require annual reports from each regional council and such additional reports as it may deem necessary or appropriate to carry out the objectives of this part. The Commission shall annually report to the Congress on the effectiveness of the regional and interregional coordination efforts.

"(f) If the Commission, after notice and after opportunity for hearings, determines that any person engaged in generation or transmission unreasonably refuses to participate in the creation of a regional council, to contribute toward its expenses, or to participate in effective regional or interregional coordination it may require such person by order to participate in the creation and work of such regional council, and to contribute a reasonable share of the expenses thereof, to the extent the Commission finds necessary to carry out the objectives of this part.

"(g) The regional council, or the Commission upon its own motion or upon complaint and after notice, may from time to time amend any statement or coordination plan; *Provided*, That, if the Commission determines that an amendment by the regional council is not consistent with the objectives of this part, it shall modify or set aside such amendment, and; *Provided further*, That any determinations pursuant to this subsection shall be subject to all the provisions regarding filing, notice and hearings set forth in subsections (b), (c) and (d) of this section and all administrative and procedural provisions which may be prescribed for the consideration of statements and coordination plans pursuant to this section.

"NATIONAL COUNCIL ON THE ENVIRONMENT

"SEC. 405. (a) A National Council on the Environment (hereafter 'National Council') shall be established, to consist of three members to be appointed and serve as provided in subsection (c) of this section. The National Council shall review each coordination plan or amendment to a coordination plan filed by a regional council, each application for a license under Part I of this Act, and each proposal under section 410 of this Act, to determine whether such plans, amendments, applications or proposals are consistent with the preservation and enhancement of the environment, conservation of natural resources, including scenic, historic and recreation assets and the strengthening of long-range, land-use planning. The Commission shall promptly cause each plan, amendments, application or proposal and any modification of any of these to be served upon the National Council. The Commission shall,

"(i) in the case of coordination plans and amendments thereto and applications for licenses under Part I of this Act, defer final decision for ninety days from the date of service of such plan, amendment or application, to permit the National Council to file a report based on information available to the Commission and such other information as it may obtain, as to the extent such coordination plans, amendments or application is consistent with the objectives of this section.

"(ii) in the case of proposals under section 410 of this Act, receive within six months of the publication of notice of the proposal the written comments or objection of the National Council to the proposal. An objection of the National Council may be based on any matter relating to the objectives of this section, and shall have the same effect as a suspense order issued by the Commission under section 410. Where such objection has been filed, acceptance by the proponent of an order containing specific modifications and conditions proposed by the Commission shall not terminate the suspension without the consent of the National Council.

"(b) In all cases where the National Council reports to the Commission on coordination plans, amendments thereto, and applications for licenses under Part I of this Act, the Commission shall consider the report of the National Council in making its decision and such report shall be a part of the record of the proceeding. Any report pursuant to subparagraph (i), or comments or objections pursuant to subparagraph (ii) of this section, shall be promptly served by the National Council on the affected regional council, applicant, or proponent. The National Council may be a full party in interest to any proceeding in which it has filed a report or objections and may seek rehearing and judicial review of the Commission's order in such proceedings in the manner provided in section 313 of this Act.

"(c) The President with the advice and consent of the Senate shall appoint three persons having special expertise in conservation, environmental sciences or land-use planning to the National Council, designating one to act as Chairman. The members of the National Council shall serve for three years and during their incumbency shall not pursue any other business, vocation or employment. At the conclusion of two years' service by the National Council the President shall with the advice and consent of the Senate appoint three members to begin service when the terms of current members have expired. No member of the National Council may serve more than two full or partial terms, and no person shall be eligible who has been employed by the Federal Government within the preceding five years in any capacity except that of temporary con-

sultant, or in any capacity by any person engaged in the generation, transmission or distribution of electric power. In the event of a vacancy the President shall with the advice and consent of the Senate promptly appoint a new member. The appointments of interim members shall expire at the same time as those of other current members of the National Council. The National Council shall adopt such rules and regulations as it deems advisable for the conduct of its business.

"(d) The Chairman of the National Council shall be compensated at the rate provided in Level III of the Federal Executive Salary Schedule (5 U.S.C. 2211(c)) and the other members shall be compensated at the rate provided in Level IV of the Federal Executive Salary Schedule (5 U.S.C. 2211(d)). The Commission shall, to the extent possible without permitting conflicts of interest, make available to the National Council such staff, facilities, expert services and technical assistance as the National Council may require to carry out its responsibilities under this section and, under the authority of section 2 of this Act (16 U.S.C. 793), shall request such additional staff, facilities, expert services and technical assistance as the National Council may require. In addition to staff provided for the National Council by the Commission, the National Council may employ an executive director, a chief counsel, and such other technical, professional and clerical staff as it finds necessary.

"NATIONAL ELECTRIC STUDIES COMMITTEE

"SEC. 406. The Commission, after consultation with regional councils, shall establish a national committee representative of all elements of the electric industry as well as representative of consumer interests, conservation organizations and land-use planning experts to facilitate interregional exchange of views and experience and to consolidate electric industry efforts to investigate major present and future problems in planning and operating of bulk power supply facilities. The Committee shall seek to stimulate vigorous scientific and engineering interest in the challenges to achieving reliable and efficient bulk power supply for the United States and protecting and enhancing the general environment of the United States.

"ADVISORY BOARDS

"SEC. 407. To assist it in considering matters coming before it under this part, the Commission may establish one or more advisory coordination review boards and provide for the appointment thereto of experts drawn from the electric utility industry, equipment manufacturers, the academic and research communities, and other persons, not employed by the Commission, drawn from the general public, including persons interested in conservation, aesthetics and long-range land-use planning.

"COORDINATION AGREEMENTS

"SEC. 408. Subject to such rules and regulations as the Commission may prescribe, a copy of all written agreements and a written statement of all oral agreements for coordinated planning, or operation of bulk power supply facilities (including but not limited to agreements for joint ownership of such facilities) shall be lodged with the Commission by or on behalf of the persons participating in such agreement. Each such statement or copy of agreement shall be readily available for inspection by the public within the region affected and with the Commission.

"RELIABILITY STANDARDS

"SEC. 409. Upon the recommendation of a regional council or upon its own motion, and after consultation with the regional councils and with the National Council, and after public notice and opportunity to comment, the Commission shall promulgate regulations setting forth reasonable criteria of national or regional applicability to govern the reliable planning and operation of bulk power supply facilities in accordance with the objectives of this part, set forth in section 401(b).

"EXTRA-HIGH VOLTAGE FACILITIES; NOTICE OF PROPOSED CONSTRUCTION; SUSPENSIONS; EMINENT DOMAIN; RIGHTS-OF-WAY ON FEDERAL LAND

"SEC. 410. (a) Subject to such rules and regulations as the Commission may prescribe, any person proposing the construction, extension, or modification of extra-high-voltage facilities shall file with the Commission its proposal which shall include a map and specific information as to the routing of the proposed line or location of proposed plant and such other information as the Commission may require to enable it to determine the extent to which the proposed construction, extension, or modification of such facilities and the operation thereof is consistent with plans developed by the affected regional council or regional councils and with the objectives of this part. The filing shall state whether the proponent elects to seek right-of-way pursuant to subsection (e) of this section. The Commission shall cause notice of each application and any material changes thereto filed under this section to be promptly published in the Federal Register and in local newspapers of general circulation in the region affected and to be served upon the National Council; appropriate regional councils; Federal, State, and local agencies; parties whose interests may be affected and such other interested persons as the Commission shall require. The Commission shall afford to any interested person at least ninety days in which to comment upon such filing.

"(b) No person may commence construction, extension, or modification of extra-high-voltage facilities until six months after notice of the proposal has been published in the Federal Register and for such additional period during which a suspense order of the Commission remains in effect. The Commission shall issue a suspense order whenever the proponent elects to seek right-of-way pursuant to subsection (e) or when the Commission concludes, in its discretion, within six months after publication of the notice of the proposal, that the proposed construction, extension, or modification, or the operation of such facilities is inconsistent with a plan approved pursuant to section 404(d) or otherwise appears not to be consistent wtih the objectives of this part, including when the National Council has filed timely notice of objection as provided in section 405. The suspense order shall summarize the Commission's reasons for its actions. Pending final disposition of the matter by the Commission, the suspense order shall be extended indefinitely by any order of the Commission setting forth conditions which would render the project acceptable: *Provided,* That upon a finding that the proposal will be consistent with the objectives of this part the Commission may terminate its suspense order after timely public notice served on all interested parties and consideration of such comments as are received within thirty days of such notice.

"(c) In reviewing extra-high-voltage facilities proposals, the Commission shall use informal procedures, including joint or separate conferences, to the fullest extent feasible. However, the Commission shall not finally disapprove a proposal or confer rights-of-way under this section except after timely notice served upon all interested parties and opportunity for public hearing held in the region affected.

"(d) At or before the end of the period specified by the suspense order, the Commission may issue an order recommending specific modifications in the proposal and setting forth conditions for its approval, which should be served on all interested parties and published in the Federal Register, or setting the matter for hearing. If such modifications and conditions are accepted by the proponent and not objected to by any interested parties within thirty days following service, the Commission shall approve the proposal as modified and terminate the suspense order forthwith. If the modifications and conditions are not accepted by the proponent of if objection is filed by any interested party, or if the Commission schedules a formal hearing, the suspense order shall remain in effect until the Commission formally determines after public hearing in the region affected whether the proposal is consistent with the objectives of this part and issues a final order permitting or prohibiting the construction, extension, or modification of the proposed facilities.

"(e) If the Commission at any time determines by order, after notice served upon all interested parties and opportunity for public hearing in the region affected that the proposed construction, extension, or modification of extra-high-voltage facilities is consistent with the objectives of this part including the protection and enhancement of environment factors, conservation of natural resources, including scenic, historic and recreation assets and strengthening of long-range land-use planning the proponent may secure necessary rights-of-way over Federal or other lands as provided in this subsection.

"(i) If, after the Commission has approved a proposed construction, extension or modification of extra-high-voltage facilities in accordance with this section, the proponent cannot acquire by contract, or is unable to agree with the owner of property as to compensation to be paid for the necessary right-of-way or other property to construct, operate, and maintain such extra-high-voltage facilities, the proponent may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. In any such proceeding brought in a district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by sections 258a, 258b, and 258d of title 40, United States Code, and the petitioner shall be subject to all of the provisions of said section which are applicable to the United States when it files a declaration of taking thereunder: *Provided,* That in the event of an objection by any interested parties the burden of proof shall be on the proponent to establish that the exercise of eminent domain or declaration of taking is necessary to protect the public interest and that no reasonable alternatives exist. In determining whether alternatives are reasonable the court shall consider the impact of the proposal upon the environment, conservation of natural resources, including scenic, historic and recreation assets and long-range land-use planning as well as the cost benefits to be derived from the proposal and its effect upon reliability: *Provided further,* That neither the availability of relief under this section, nor any determination pursuant to this section, shall preclude any appropriate court from reviewing all relevant issues regarding any Commission determination pursuant to section 313 of this Act and, without regard to any pending action or prior determination pursuant to section 313 of this Act, any appropriate court shall be free to consider all issues relevant to any action brought pursuant to this section.

"(ii) The Commission may grant rights-of-way over Federal lands as provided in this subparagraph. Such rights-of-way shall be granted either for a limited term not in excess of fifty years, or without limit as to duration. If granted for a limited term, the holder, during the two years prior to the

expiration of the term, may apply for a renewal of the right-of-way under the same provisions applicable to the issuance of an initial right-of-way, and may continue use of the right-of-way while the application is pending. If the right-of-way is granted without limit as to duration, the Commission at intervals of not less than ten years, after notice and opportunity for hearing, may modify or add to the terms and conditions of the right-of-way as may reasonably be necessary in the public interest. No right-of-way shall be granted under this subparagraph without notice to the department or agency administering the lands affected, or, in the case of an Indian reservation, without the consent of the tribe having jurisdiction. If the department or agency files a protest against the proposed right-of-way on the ground that the grant would fail to give due regard to the preservation of natural resources, including scenic, historic or recreation assets or identified species of flora or fauna, or, in the case of military reservations, to the safe and efficient conduct of national defense operations, the right-of-way shall not be granted until the protest is withdrawn. Every right-of-way granted under this subparagraph shall be subject to, and the Commission shall include in its order provisions for, the following terms and conditions:

"(A) That the holder of the right-of-way shall pay reasonable annual charges, to be stated in the order; to the department or agency administering the land affected, or in case of an Indian reservation to the tribe having jurisdiction.

"(B) That the holder of the right-of-way shall promptly pay, in a lump sum, for special damages to the land, improvements, timber, and other crops on the lands affected by the right-of-way or by the activities of the holder of the right-of-way in the construction, operation, or maintenance of the facilities thereon whenever the same occur.

"(c) Such reasonable land use conditions relating to nonpower matters as the department or agency administering the lands affected, or, in the case of an Indian reservation, as the tribe having jurisdiction, may require.

"(d) Such other reasonable terms and conditions as the Commission may prescribe.

"Annual charges shall be fixed by negotiation between the right-of-way proponent and the department or agency administering the lands affected, or, in the case of an Indian reservation, the tribe having jurisdiction. In the event of failure to reach agreement within a reasonable time, the Commission shall fix the charges after notice and opportunity for hearing. All such annual charges shall be subject to renegotiation or redetermination in similar manner at ten-year intervals so long as the right-of-way remains in force. Special damages shall be fixed by negotiation between the administering agency or Indian tribe, or individual owner of the improvement, timber, or crop damaged, and the proponent or holder of the right-of-way, or in the event of failure to reach agreement within a reasonable time, by the Commission after notice and opportunity for hearing.

"(iii) As used in this section, the term 'Federal lands' includes public lands and reservations as defined in section 3 of the Federal Power Act, but does not include lands administered by the National Park Service other than national parkways, national recreation areas, and recreation areas administered by the National Park Service pursuant to a cooperative agreement with another Federal agency.

"(iv) If the holder of a right-of-way granted under this section over Federal land, after notice of default in observance of any condition of the grant, fails to correct the same within a reasonable time, the Commission, after notice and opportunity for hearing, shall cancel the right-of-way.

"(v) Nothing herein shall be deemed to repeal or modify any part of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136) or any statute implementing that Act.

"(g) The Commission shall include in any order issued under this section authorizing the construction, extension, or modification of extra-high-voltage facilities such conditions governing the use of any excess capacity (over and above reasonable reserves) of such facilities and the interconnected facilities of the proponent to transmit electric energy by displacement or otherwise, upon a demonstration of need for such use, as it finds necessary and appropriate to the objectives of this part. The Commission, after notice and opportunity for hearing and consistent with a plan approved pursuant to section 404 (d) of this Act, may authorize any person to enlarge such facilities at its own expense and to utilize the increased capacity for the transmission of electric power and energy upon such terms and conditions as the Commission may deem to be just, including, where appropriate, provisions for payment of additional compensation to the owners of the land underlying the rights-of-way affected. No such order shall issue earlier than ninety days following publication in the Federal Register of notice of filing of the proposal therefor, and notice served upon all interested parties during which time any interested person may comment thereon. In the event of objection the Commission shall make final determination only after a public hearing in the region affected. The Commission shall determine any disputes relating to allocation of transmission capacity, reasonableness of reserves and amount of excess capacity, compensation for the use of the facilities, and all other issues arising under this subsection.

"(h) Nothing contained in this section 410 shall be deemed to repeal any provision of the Atomic Energy Act of 1954, as amended.

"COMPULSORY INTERCONNECTIONS

"SEC. 411. Whenever the Commission, after notice and hearing had, upon its own motion, or upon complaint, finds such action necessary or appropriate to carry out the objectives of this part, it may by order direct any person engaged in the generation or transmission of electric energy (if the Commission finds that no undue burden will be placed upon such person thereby) to establish physical connection of its transmission facilities with the facilities of one or more other persons engaged in the generation, transmission, or sale of electric energy, to sell energy to or wheel for or exchange energy with such persons. The Commission may prescribe the terms and conditions of the arrangement to be made between the persons affected by any such order, including allocation of transmission capacity, reasonableness of reserves, and amount of excess capacity, and compensation for the use thereof, such determination shall be subject to all the procedures and requirements of sections 405 and 410 of this Act. Nothing herein shall be deemed to modify or repeal any provision of any Federal power marketing statute.

"ABANDONMENT

"SEC. 412. No person engaged in the generation or transmission of electric energy shall abandon or curtail any bulk power supply service, or abandon all or any part of its bulk power supply facilities if it would thereby effect the abandonment, curtailment, or impairment of bulk power supply service, without obtaining the advance approval of the Commission after notice and opportunity for hearing, upon a finding by the Commission that such abandonment or curtailment is consistent with the objective of this part.

"REPORTING

"SEC. 413. (a) The Commission shall require each person who is a member of a regional council established pursuant to section 401 of this part and is engaged in the generation, transmission or distribution of electric power to file annual certified reports of all expenditures for promotion, publicity, public relations, advertising and contributions. Such reports shall also list permanent and temporary staff assigned to these functions and the salaries and other expenses paid. In regard to outside services the reports shall give the amount expended for each service, to whom paid, the purpose of the expenditure, the source of revenue (whether charged to ratepayers or operating expenses) and such other information in such manner and detail as the Commission may require. The Commission shall require that each such report be made available to the public upon demand and shall also require that a summary be sent to each of the consumers served by that person in a form specified by the Commission within reasonable time after it has been filed with the Commission and in such manner as the Commission may require.

"(b) In the event that a person who is a member of a regional council and is engaged in generation, transmission or distribution of electric power and shall have a proposed project pending before the Commission under any provision of the Federal Power Act, the Commission shall require that person to file every six months during the period the project is under consideration a certified detailed report of all expenditures related to the project for advertising, promotion, public relations, legal services, contributions, engineering services, expert services and testimony and such other expenditures as the Commission may require. Such report shall also include the number of permanent and temporary employees assigned to the functions listed above and the salaries and other expenses paid in relation to the project. In the event that an employee is assigned to any of the functions less than full time, the report shall list the prorated portion of his salary devoted to the project and all project-related expenses. The report shall specify the amount expended for each service to whom paid, the purpose of the expenditure, the source of revenue (whether charged to ratepayers or operating expenses) and such other information in such detail and such manner as the Commission may require. In the event that fees or lump sum payments are made to individuals or organizations for redisbursement for services, the report shall include a detailed breakdown of these expenditures, as well, in the same manner and detail as required above. The Commission shall require that such report be made available to the public upon demand and shall also require that a summary of such report be sent to each of the consumers served by that person within a reasonable time after it has been filed with the Commission and in such manner as the Commission may require.

"AUTHORITY TO EXEMPT

"SEC. 414. In order to avoid excessive burdens upon persons engaged in bulk power supply, upon regional councils and upon the public, the Commission may by rule exempt from any requirement of this part, except those contained in sections 404, 405, 410, and 413 or any rule or regulation prescribed thereunder, any facilities, activities, or persons, whenever it determines, after public notice and opportunity for hearing, that such exemption is necessary and appropriate to carry out the objectives of this part. The Commission may attach conditions to any exemption and may by order, after public notice and opportunity for hearing, revoke any such exemption."

SURVEYS AND RESEARCH

SEC. 4. (a) The Commission is directed to survey existing and planned facilities in the United States providing sufficient capacity and energy for the testing of extra-high-

voltage electric equipment under heavy current flow and for research into problems of high voltage-heavy current electricity, and within one year from the effective date of this Act to report its findings to Congress. The Commission's report shall include information as to the adequacy of existing and planned facilities and their accessibility to persons other than their owners, and if such facilities are inadequate or are not accessible to all elements of the electric industry having need for their use, such recommendations for corrective action as the Commission deems appropriate.

(b) In order to carry out the purposes of this Act as set forth in subsection (b) of section 2 of this Act, the Commission is directed to make a full and impartial study of the social and economic impact of overhead construction of extra-high-voltage lines and towers with particular attention to the extent to which such construction may have adverse effects upon long-range land-use planning and environmental, esthetic, and conservation considerations as well as upon property values and tax revenues, and shall report the results of such a study to Congress within two years of the effective date of this Act. In carrying forward this study, the Commission shall, where appropriate, cooperate with the Departments of Interior, Agriculture, Housing and Urban Development, and Health, Education, and Welfare, especially in developing economic standards for the evaluation of damage to community planning, public health, environmental factors and natural resources, including scenic, historic, and recreation assets.

The comparison, presented by Mr. KENNEDY of Massachusetts, is as follows:

COMPARISON OF PROPOSED ELECTRIC RELIABILITY ACTS

ADMINISTRATION BILL (S. 1934)	MOSS BILL (H.R. 12322)	KENNEDY-OTTINGER BILL (S. 2889)
Sec. 1. "Electric Reliability Act of 1967".	No change.	No change.
Sec. 2. States the purpose of the Act as to promote the policy expressed in present section 202(a) of the Federal Power Act, of "assuring an abundant supply of electric energy with the greatest possible economy and with regard to the proper utilization and conservation of natural resources"; enacts new Part IV to Federal Power Act.	Revises section by eliminating a redundant reference to section 202 (a) of the Federal Power Act (which is repeated in Sec. 401), by referring to the constitutional authority for the act, and by rephrasing its purpose in general terms; omits phrase adding new Part IV.	Becomes subsection (a); Revises language to clarify purposes; adds new subsection (b).
Sec. 2(b) Not in S. 1934.	Not in H.R. 12322.	Adds new finding of Congress that actions taken under this Act be consistent with enhancement and preservation of environment, conservation of natural resources, including scenic, historic and recreation assets, and strengthening of long-range land-use planning.
Sec. 3. Not in S. 1934.	Adds new Part IV to Federal Power Act.	Same as H.R. 12322.
Title: "Part IV—Regional Coordination 'Application and Objectives of Part'; Definition".	No change.	No change.
401(a) Would make provisions of Part IV applicable to all bulk power systems in the United States.	No change.	No change.
401(b) Spells out the objectives of Part IV: the National Policy expressed by section 202(a) of Federal Power Act: by enhancing the reliability of bulk power supply; by strengthening existing mechanisms for coordination in the electric utility industry and establishing new ones; by encouraging comprehensive development of power resources of each area and region of the United States so as to take advantage of advancing technology with due regard for conservation of land, scenic values, and other limited resources; by providing that all utility systems and their customers have access to the benefits of coordination and advancing technology on fair and reasonable terms; by assuring as far as feasible that extra-high-voltage facilities include sufficient capacity to meet area, regional and interregional needs for transmission capacity, including the reserve capacity needed for reliability; by respecting the territorial integrity of utility service areas to the extent consistent with public interest; and by drawing on the cooperation of all segments (public private and cooperative) of the electric utility industry.	No change.	Adds language requiring due regard for the preservation and enhancement of the environment, conservation of natural resources, including scenic historic and recreation assets, and the strengthening of land-use planning.
401(c) Defines "person" for purposes of Part IV (differing from elsewhere in the Federal Power Act) to include not only a "person", "municipality" or "State", but any department, agency, or instrumentality of the United States and covers all "persons", whether privately, cooperatively, Federally or otherwise publicly owned.	No change.	No change.
401(d) Defines "bulk power supply facilities" as facilities for generation or transmission which furnish power to points of distribution. It further provides that under section 413 the Commission would be empowered to classify or exempt facilities not material to attaining the objectives of Part IV.	Changes phrase "which furnish power to points of distribution." to read "of electric power and energy." to assure that the FPC's jurisdiction over all generation and transmission facilities will not be restricted solely to those that furnish power for distribution, but will also include, for example, auxiliary generating equipment which provide energy for fueling larger generators.	Same as H.R. 12322.
401(e) Defines "extra-high-voltage facilities", as meaning transmission lines and associated facilities designed to be capable of operation at a nominal voltage higher than 200 kilovolts between phase conductors for alternating current, or between poles in the case of direct current, the construction of which is commenced two years or more after enactment of Part IV.	Inserts the "extension, or modification," after "construction" so that the bill will apply to the extensions or modifications of existing transmission lines and associated facilities as well as the construction of such facilities which are wholly new. This will foreclose a possible "grandfather clause" interpretation that could exempt from this bill any changes in existing facilities.	Same as H.R. 12322, except that it lowers voltage to 130 KV; adds "thermal generating units or plants and associated facilities designed to be or capable of being operated at a capacity of 200 megawatts" included within the definition of "extra-high-voltage facilities".

COMPARISON OF PROPOSED ELECTRIC RELIABILITY ACTS—Continued

ADMINISTRATION BILL (S. 1934)	MOSS BILL (H.R. 12322)	KENNEDY-OTTINGER BILL (S. 2889)
Title: "Relation to Other Parts".	No change.	No change.
402(a) States that Part IV supplements Parts I, II and III to promote the reliability, efficiency, and economy of bulk power supply, and provides that nothing in Part IV would modify or abridge authority granted under Parts I, II and III, unless specifically so provided.	No change.	Adds that Part IV supplements other parts to assure that actions taken pursuant to the Federal Power Act shall be consistent with preservation and enhancement of environment. The conservation of natural resources, including scenic, historic and recreation assets and the strengthening of long-range, land-use planning.
402(b) Makes the administrative, procedural and enforcement provisions of other Parts including provisions for filing reports, complaints by State agencies and others, investigations, hearings, rules and regulations, staff appointments, publications, judicial review, enforcement and penalties, applicable to Part IV.	No change.	No change.
Title: "Cooperation of Bulk Power Supply Systems".	No change.	No change.
403 Sets policy that the purposes of Part IV should be attained as far as possible by cooperation among all persons engaged in bulk power supply, regardless of their nature.	No change.	No change.
Title: "Regional Power Coordination Organizations; Anti-Trust Immunity".	Deletes Anti-Trust Immunity.	Same as S. 1934.
404(a) Provides that, after consultation with persons engaged or interested in bulk power supply, appropriate Federal agencies and State commissions, the Commission would set up regional organizations and procedures for regional and interregional coordination. Provides for membership (either direct or indirect) by electric system in the region regardless of ownership. The Commission staff would participate in all aspects of the regional councils' work except the ultimate adoption of plans or any other council actions.	Deletes "direct or indirect" after the word "membership," because it is unclear what is meant by "indirect membership,"; adds "or of its facilities after "ownership," to make it clear that each electric system may be a member of a regional council irrespective of the nature of its ownership or of the type of its facilities; provides that State regulatory commission representatives may participate in the work of the regional councils to permit greater local representation.	Same as H.R. 12322, but adds requirement that State and local officials and local, regional and State land-use planning agencies be consulted regarding the establishment of regional councils.
404(b) Provides that each regional council would file an organizational statement with the Commission, together with any amendments later adopted. These statements would be available for public inspection. Within 30 days after adoption by the council, any plan of coordination, either regional or interregional, developed by the council, would be submitted to the Commission under such rules as the Commission prescribed. The Commission would make these plans available for public inspection, and would consider them in exercising its responsibilities under all Parts.	Adds requirement for prompt publication in the Federal Register of notice that the statements of organization of regional councils, and amendments thereto, and the regional and interregional plans, and amendments thereto, have been filed.	Same as H.R. 12322, but adds language to make it clear that "coordination plans" developed under this section shall not be considered as "comprehensive plans" for the purposes of Section 12a of Title I.
404(c) Allows the Commission, after notice and opportunity for hearing to determine by order whether any statement of organization filed under section 404 is consistent with the objectives of Part IV (as set out in section 401(b)). If a statement were determined to be inconsistent with those objectives, the Commission could modify it or set it aside. Under this section and the next, the bill would give the Commission discretion to initiate review or not. If the Commission, having approved a statement, also found that its effect on competition would be insubstantial or would be clearly outweighed by other public interest considerations, actions pursuant to the statement would be immune from private antitrust suits.	Deletes the provisions which would confer immunity from private anti-trust suits under sec. 4 of the Clayton Act (15 U.S.C. 15) instituted by any person who has been injured in his business or property by any action taken pursuant to a statement or plan approved by the Commission.	Same as H.R. 12322, *but* restores anti-trust immunity and provides that Justice Department shall become a party with full rights of participation and appeal upon filing notice of intervention.
404(d) Allows the Commission, after notice and opportunity for hearing, to determine whether a coordination plan was consistent with the objectives of Part IV. If the Commission found that the plan was not in the public interest it could modify it or set it aside. On a finding by the Commission that a plan it had approved would have an insubstantial effect on competition, or an effect clearly outweighed by other public interest considerations, actions pursuant to the plan would not be subject to private antitrust suits as long as the Commission's approval remained in effect.	Deletes anti-trust immunity; deletes phrase "not in the public interest" and substitutes "not consistent with the objectives of this part."	Same as H.R. 12322 *but*, restores anti-trust immunity and provides that Justice Department shall become a party with full rights of participation and appeal upon filing notice of intervention.

COMPARISON OF PROPOSED ELECTRIC RELIABILITY ACTS—Continued

ADMINISTRATION BILL (S. 1934)	MOSS BILL (H.R. 12322)	KENNEDY-OTTINGER BILL (S. 2889)
404(e) Directs the Commission to require annual reports from each regional council, and such additional reports as it deemed necessary or appropriate to carry out the objectives of Part IV. Requires the Commission to report to Congress annually on the effectiveness of the regional action and interregional coordination.	No change.	No change.
404(f) Provides that, if it found after notice and opportunity for hearing that any person engaged in generation or transmission of electric energy unreasonably refused to participate either in the creation of a regional council or in effective regional or interregional coordination, it could order such participation to the extent it found necessary to carry out the objectives of Part IV.	Adds authority for the FPC to require persons engaged in electric generation or transmission to pay their reasonable shares of the expenses of the regional council as well as to participate in the creation and work of the council.	Same as H.R. 12322.
404(g) Not in S. 1934.	New subsection authorizes the regional council and the Commission to amend statements and plans from time to time subject to the authority of the Commission to modify or set aside any proposed regional amendment if the Commission determines, after notice and opportunity for hearing, that it is not consistent with the objective of Part IV.	Same as H.R. 12322, but specifies that such determinations shall be subjected to all requirements for filing notice and hearings.
Title: New Title, not in S. 1934.	New Title, not in H.R. 12322.	"National Council on the Environment".
405(a) Not in S. 1934.	Not in H.R. 12322.	Establishes a National Council on the Environment consisting of three members to review plans and statements as well as applications for a license under Part I of the Federal Power Act and each proposal under section 410 of this Act, to determine whether they are consistent with the preservation and enhancement of the environment, conservation of natural resources, including scenic, historic and recreation assets, and with the strenthening of long-range land-use planning; requires Council to report and Commission to defer action for ninety days pending report.
405(b) Not in S. 1934.	Not in H.R. 12322.	Provides that an objection by the National Council shall have the same force as a suspense order issued by the Commission under section 410; provides that the National Council may be a full party at interest to any proceeding in which it has filed a report or objections any may seek rehearing or judicial review of any Commission order in such proceedings.
405(c) Not in S. 1934.	Not in H.R. 12322.	Provides that the President shall appoint the National Council members with advice and consent of the Senate, from persons having special expertise in conservation, environmental sciences or land-use planning; provides that members shall serve three-year terms, shall not serve more than two terms, must not have worked for Federal government, except as temporary consultant, within the preceding five years, and must never have worked for person engaged in the generation, transmission or distribution of electric power.
405(d) Not in S. 1934.	Not in H.R. 12322.	Provides for salaries, facilities staffing, etc., for National Council.
Title: "National Electric Studies Committee".	No change.	No change.
406 (405 in S. 1934) Gives the Commission authority, after consulting with the regional councils, to establish a national committee representative of all elements of the electric industry to facilitate interregional exchange of views and experience, consolidate the industry's efforts to investigate major present and future problems in the planning and operation of bulk power supply facilities and would seek to stimulate interest among scientists and engineers in the challenges of achieving reliable and efficient bulk power supply.	(405 in H.R. 12322) Inserts the word "electric" before the first reference to "industry" to avoid misconstruction.	Same as H.R. 12322, *but* requires consultation with "representatives of consumer interests, conservation organizations and land-use planning experts" and adds "and protecting and enhancing the general environment of the United States" at the end of the section to assure that Committee does not concentrate solely on engineering issues, but considers impact on environment as well.
Title: "Advisory Boards".	No change.	No change.
407. (406 in S. 1934) Allows the Commission to establish one or more advisory coordination review boards and to provide for appointment thereto of experts from the electric utility industry, the equipment manufacturers, and the the academic and research communities, and of other persons (not Commission employees) drawn from the general public. These boards would assist the Commission in considering matters coming before it under Part IV.	(406 in H.R. 12322) Adds explicit language at the end of the section to insure that the Commission, in making appointments to its advisory coordination review boards, will also include persons interested in conservation and aesthetics.	Same as H.R. 12322 *but*, adds "long-range land-use planning" to "conservation and aesthetics" as interests to be represented.

COMPARISON OF PROPOSED ELECTRIC RELIABILITY ACTS—Continued

ADMINISTRATION BILL (S. 1934)	MOSS BILL (H.R. 12322)	KENNEDY-OTTINGER BILL (S. 2889)
Title: "Coordination Agreements."	No change.	No change.
408 (407 in S. 1934) Requires, subject to such rules as the Commission might prescribe, that all written agreements, and statements of all oral agreements, for coordinated planning or operation of bulk power supply facilities be lodged with the Commission. This would include, but not be limited to, agreements for joint ownership of such facilities.	(407 in H.R. 12322) Adds a provision to insure that all coordination agreements filed with the Commission shall be available for public inspection.	Same as H.R. 12322, *but* adds requirement that all agreements be available for public inspection within the region as well as with Commission Staff in Washington.
Title: "Reliability Standards."	No change.	No change.
409 (Section 408 in S. 1934) Provides that, on the recommendation of a regional council or on its own motion, and after consultation with the regional councils, and after public notice and opportunity to comment, the Commission could issue rules setting forth reasonable criteria to enhance reliable planning and operation of bulk power supply facilities in accordance with the objectives of Part IV. Such rules might apply to a particular region or regions, or be of nationwide scope. As specified in section 402 (b), the existing provisions of Part III of the Federal Power Act would be available to enforce compliance with such rules.	(408 in H.R. 12322) Changes the word "may" to "shall" and thus makes issuance of regulations reliability criteria mandatory; substitutes the word "govern" for the word "enhance".	Same as H.R. 12322, *but*, adds "National Council" to list of agencies that must be consulted.
(*409(f)*) Permits the Commission, when it determined that emergency conditions so required, to exempt persons from any requirements of section 409; (409 (g) in H.R. 12322) on its own motion or on complaint, with or without notice, hearing or report, and on such conditions as it deemed necessary or appropriate. An emergency, for purposes of this subsection, would exist by reason of a sudden increase in demand for power or energy, a shortage thereof, a shortage of facilities or materials for generation or transmission of power or energy, including a shortage of fuel or water for generation, or other causes.	Same as subsection (f) of S. 1934 except that H.R. 12322 adds a clause precluding the granting of exemptions from the act as to any matter covered under subsection 409 (e) (410 (e) in Kennedy-Ottinger bill).	Deleted in Kennedy-Ottinger bill as unnecessary if Commission and industry fulfill responsibility under this bill.
Title: "Extra-High-Voltage Facilities; Notice of Proposed Construction; Suspension; Eminent Domain; Rights-of-Way on Federal Land". (409(a) in S. 1934)	No change.	No change.
410(a) Requires any person proposing the construction of EHV facilities (see 401(e)) to file with the Commission, two years before it proposed to start construction, or at such other time as the Commission directed. The proposal would include such information, including information as to the routing of the proposed line, as the Commission required to determine whether the construction and operation proposed was consistent with a plan developed by a regional council and with the objectives of Part IV. The filing would also state whether the proponent elected to seek rights-of-way under section 409(e), which provide for Federal eminent domain and for the securing of rights-of-way over Federal lands. Notice of a filing and of subsequent changes would appear in the Federal Register and be served on appropriate regional councils, Federal, State and local agencies, and any other interested persons, as the Commission required. Any interested person would have 60 days in which to comment on the filing.	(409(a) in H.R. 12322) Adds the words "extension, or modification" after "construction" wherever the latter word appears (See comment under section 401(e) above); deletes the requirement for two years advance filing of proposals, since it is inconsistent with subsection (b), which authorizes commencement of construction after six months; specifies that a map should be included with the information accompanying a proposal for an EHV transmission line; rewords the sentence about publication in the Federal Register and service of notice of filing of proposals, to clarify that it is the Commission's responsibility to cause publication and service to be promptly made; allows the public ninety, rather than sixty, days to comment upon proposals to construct, extend, or modify extra-high-voltage facilities.	Same as H.R. 12322 *but* adds "National Council" and "parties whole interests may be affected" to list which Commissions must serve with notice.
410(b) (409(b) in S. 1934) Prohibits the construction of any extra-high-voltage facility within six months after acceptance of a filing under subsection (a), and for such additional period during which a Commission suspense order is in effect. The Commission would issue a suspense order whenever the proponent elected to seek rights-of-way under subsection (e), or when the Commission concluded, in its discretion, within six months after the filing, that the proposal was inconsistent with an approved plan developed by a regional council or appeared otherwise not to be consistent with the objectives of this part. The order would summarize the Commission's reasons for the finding and would be effective for an initial pe-	(409(b) in H.R. 12322) Adds the words "extension or modification" after construction (see 401e above) Provides that the six-month waiting period before commencement of construction, etc., of extra-high-voltage facilities, will begin to run from the date of publication of the notice of filing in the Federal Register rather than from the much less readily ascertainable date of "acceptance of filing." Adds the phrase "a plan approved pursuant to section 404(d)".	Same as H.R. 12322, but requires notice to National Council.

COMPARISON OF PROPOSED ELECTRIC RELIABILITY ACTS—Continued

ADMINISTRATION BILL (S. 1934)	MOSS BILL (H.R. 12322)	KENNEDY-OTTINGER BILL (S. 2889)
riod, fixed in the Commission's discretion but not more than 12 months. The effectiveness of a suspense order that has not yet expired by its own terms could be extended by an order of the Commission recommending specific modifications in the project and setting forth conditions for its approval, or scheduling the matter for formal hearings or both. In such a case, the proposal would remain suspended until ultimate disposition of the matter by the Commission. The Commission could, however, after public notice and consideration of such comments as were received within 30 days, terminate the suspense order on a finding that the proposal would be consistent with the objectives of Part IV.		
410(c) (409(c) in S. 1934) Direct the Commission to use informal procedures, including joint or separate conferences, to the fullest extent feasible in dealing with extra-high-voltage facilities applications under section 409. Notice and opportunity for hearing, however, would be required before the Commission could finally disapprove a proposal or confer rights-of-way.	(409(c) in H.R. 12322) No change.	Rephrased to assure that "timely" notice of hearing will be served on "all interested parties", and that the opportunity for the hearing will be provided in "the region affected".
410(d) (409(d) in S. 1934) Would permit the Commission, at or before the period of suspension designated by the suspense order, to issue an order recommending specific modifications to the proposal and setting forth conditions for its approval, or to issue an order setting the matter for hearing. (Under the terms of section 409(b), this order would extend the effectiveness of the suspension.) If the modifications and conditions were accepted by the proponent, the Commission would be required to approve the proposal as modified and terminate the suspense order forthwith. If the modifications and conditions were not accepted, or if the Commission itself set the matter for hearing, the suspense order would remain effective until the Commission formally determined whether the proposal was consistent with the objectives of Part IV and issued a final order permitting or prohibiting the construction of the proposed facilities.	(409(d) in H.R. 12322) Adds the words "extension and modification" after construction (Sec. 401(e) above).	Same as H.R. 12322, *but* adds provision that Commission may issue final order only after notice published in the Federal Register and opportunity for public hearing, provides that if any interested party objects, suspense order remains in effect until final determination following a hearing in the region affected.
410(e) (409(e) in S. 1934). Provides that, if the Commission at any time determines after notice and opportunity for hearing, that a proposal would be consistent with the objectives of Part IV, the proponent could secure necessary rights-of-way over Federal and other lands as provided in paragraphs (i) and (ii).	(409(e) in H.R. 12322). Adds words "extension or modification" after "construction" wherever it appears.	Same as H.R. 12322, *but* adds language to assure that project will be consistent with "protection and enhancement of environment factors, conservation of resources including enhancement of scenic, historic and recreation assets and strengthening long-range land-use planning.
410(e)(i) (409(e)(i) in S. 1934). Sets forth procedures for obtaining rights-of-way over land except those owned by the United States by an eminent domain proceeding in the Federal district court of the district in which the land was located. The condemnor would be permitted to use the declaration of taking procedure provided by 40 U.S.C. 258a, 258b, and 258d. Alternatively, eminent domain proceedings could be brought in the state courts.	(409(e)(i) in H.R. 12322). No change.	(410(f)(i) in Kennedy-Ottinger bill).
410(e)(ii) Provides that where a right-of-way over Federal lands was required, the finding that the proposal was consistent with the objectives of Part IV would automatically allow the proponent to have such right-of-way, subject to the applicable requirements of Part IV and such reasonable land-use conditions relating to non-power matters as the Federal department or agency responsible for the lands affected prescribed. The Commission would include these conditions in its order. The administering department or agency would also have the right to protest within sixty days, *only* on the grounds that the Commission's order failed adequately to protect identified aesthetic and historic values. A protest would, until withdrawn, stay the Commission's order.	Substitutes new subparagraphs (ii)–(v) for subparagraph (ii) to provide more adequate protection to public and Indian interests.	(410(f)(ii) in Kennedy-Ottinger bill).

COMPARISON OF PROPOSED ELECTRIC RELIABILITY ACTS—Continued

ADMINISTRATION BILL (S. 1934)	MOSS BILL (H.R. 12322)	KENNEDY-OTTINGER BILL (S. 2889)
410(f)(1) (Section 409(e)(i) in S. 1934).	(Section 409(e)(i) H.R. 12322).	Same as 409(e)(i) of H.R. 12322, *but* adds language providing that if there is objection by any interested party to taking of exercise of eminent domain the burden of proof shall be on the proponent to establish that action is necessary to protect public interest and that no reasonable alternatives exist, provides court shall consider impact upon environment conservation of natural resources, including scenic and recreation assets and long-range land-use planning as well as cost benefits and its effect upon reliability.
410(f)(ii) (409(e)(ii) in S. 1934).	(409(e)(ii) in H.R. 12322).	Same as 409(e)(ii) H.R. 12322 *but* adds language to permit Department to protect FPC order on grounds that it fails to give "due regard to preservation of natural resources, including scenic, historic or recreation assets or historic values instead of "identified aesthetic or historic values".
410(g) (Not in S. 1934)	(409(f) in H.R. 12322) Requires all extra-high-voltage facilities constructed, extended, or modified after the effective date of the act, and interconnected facilities, would be available for transmission service, to the extent of any excess capacity, by any person demonstrating a need for such service consistent with the objectives of the new part IV of the Federal Power Act; empowers the FPC, in appropriate cases, to authorize third parties to enlarge existing EHV facilities, at their own expense, to provide additional capacity to transmit their power. The Commission would prescribe the conditions of use, including compensation to the owner of the line, and where appropriate, to the owner of the land underlying the right-of-way.	Same as H.R. 12322, *but* adds provisions requiring notice to be served on all interested parties and specifying that, in the event of objection, final determination shall be made by Commission only after hearings in the region affected.
410(h) (Not in S. 1934)	(Not in H.R. 12322.)	Provides that nothing in this section shall be deemed to repeal any provision of the Atomic Energy Act of 1954, as amended.
(*410 in S. 1934*) Sets up a mechanism for determining questions of land-use arising either in the regional planning process under section 404 or in the review of extra-high-voltage facilities proposals under section 409. Whenever such a question arises, formally or informally, the Commission would entertain written comments by Federal, interstate, state and local agencies responsible for land-use planning in the affected region. The Commission would defer to the views of the responsible agency, if any existed, to resolve local land-use questions unless it determined that a particular solution would be inconsistent with the objectives of this part.	(410 in H.R. 12322.) No change.	Deleted in Kennedy-Ottinger bill as inadequate protection and no longer necessary in view of authority granted to the National Council.
411 Permits the Commission, after notice and opportunity for hearing, to direct any person engaged in generation or transmission of electric energy to establish physical connection of its facilities with those of another person or persons engaged in generation, transmission or sale of electric energy, to sell energy to or exchange energy with such person. The Commission could do so on its own motion or on complaint, but would have to find that "no undue burden would be imposed on the respondent by the interconnection order." It would also have to find that this action was necessary or appropriate to carry out the objectives of Part IV. The Commission could prescribe the terms and conditions of the arrangement to be made between the parties affected by the order.	Adds language to make it clear that the section authorizes the Commission to provide for transmission of energy and specify the terms and conditions, including compensation for such use of the transmission lines, and that the section shall not be deemed to modify or repeal any Federal power marketing statute.	Same as H.R. 12322 adds provision that the exercise of authority under this section is subject to procedures and requirements of Section 410.
412 Prohibits the abandonment of any bulk power supply service, or of any part of a person's bulk power supply facilities, if the effect would be abandonment, curtailment or impairment of bulk power service, without the advance approval of the Commission. Approval could be granted after notice and opportunity for hearing, on a finding that the abandonment or curtailment would be consistent with the objectives of Part IV.	No Change.	No Change.
413(a) Not in S. 1934.	Not in H.R. 12322.	Requires annual reporting of all utility expenditures for advertising promotion, public relations and contributions; specifies detail and manner of reporting and requires utilities to furnish summaries of the reports to their consumers.

COMPARISON OF PROPOSED ELECTRIC RELIABILITY ACTS—Continued

ADMINISTRATION BILL (S. 1934)	MOSS BILL (H.R. 12322)	KENNEDY-OTTINGER BILL (S. 2889)
413(b) Not in S. 1934.	Not in H.R. 12322.	Requires six months reports on expenditures related to any project proposal before the FPC; specifies detail and manner of reporting and requires utility to make reports available to its consumers. Same as H.R. 12322 *but* adds language precluding exemption for any matter pursuant to sections 404, 405, 410 and 413.
414 (413 in S. 1934) Gives the Commission power to exempt facilities, persons or activities from any requirement of Part IV or from any rule or regulation thereunder, in order to avoid excessive burdens on persons engaged in bulk power supply, regional councils, and the public. It could issue such exemptions, by rule, after notice and opportunity for hearing and on determining that the exemption was necessary and appropriate to carry out the objectives of Part IV. Conditions could be attached to an exemption, and it could, after notice and opportunity for hearing, be revoked.	Adds provision precluding exemption for any action pursuant to 409(e) (410 in Kennedy-Ottinger bill).	
Sec. 4 Not in S. 1934.	New section (not an amendment to the Federal Power Act) requiring the Commission to survey existing and planned high voltage-heavy current testing and research facilities in the United States for adequacy and accessibility to all interested persons and to report its findings to Congress within one year, making recommendations for corrective action if necessary.	Same as H.R. 12322 *but* adds new subsection directing FPC to make full study of impact of overhead transmission lines.

ASSISTANCE TO VIETNAM VETERANS IN OBTAINING SUITABLE EMPLOYMENT

Mr. LONG of Louisiana. Mr. President, last year when I was privileged to vote for the Veterans' Pension and Readjustment Assistance Act of 1967, I knew that I was doing far more than merely responding to the President's requests on behalf of America's servicemen and veterans.

I was confident that I was helping to provide assistance for the men who will be the future leaders of this Nation. You can be sure that the men who are serving in uniform today are acquiring leadership traits that will be invaluable in civilian life. We will soon observe their leadership in both private and public life.

Today, in the U.S. Senate, for example, more than two-thirds of the membership served in our Armed Forces. The House of Representatives has a total of 314 Members who are veterans.

Veteran and nonveterans alike, we supported unanimously the Veterans' Pension and Readjustment Assistance Act of 1967 last summer, knowing when we cast our votes that we were providing additional incentives to develop further the leadership qualities displayed by our servicemen.

We can say with particular pride that we helped give Vietnam veterans benefit parity with veterans of earlier conflicts; increase educational allowances under the GI bill for post-Korean and Vietnam era veterans; disadvantaged veterans to finish high school under the GI bill without loss of entitlement to follow-on college training; add on-the-job farm cooperative and flight training to the avenues of opportunity offered by the GI bill.

The legislation that became Public Law 90–77 also increased pension payments for two million disabled veterans, widows and children, and extended the cutoff date for GI loans to certain World War II veterans by 3 years—to July 25, 1970.

I am proud we provided these measures for America's veterans.

But I will be prouder still if I can help to provide our servicemen and veterans with the further assistance and opportunities which President Johnson, in his message on their behalf to this second session of the 90th Congress, so eloquently said they need and deserve.

All of the recommendations and proposals in this latest veteran's message of the President are important. Two of the subjects he mentioned today were in his message of a year ago and remain in the category of unfinished business.

One of these concerns especially Members of the Senate since the House of Representatives passed last December 15 H.R. 12555, which provides safeguards against loss in a veteran's pension as a result of increases in other income such as social security and at the same time gives most pensioners increased payments.

The other deals with the President's request to increase the amount of available servicemen's group life insurance from its present maximum of $10,000 to a minimum of $12,000—with higher amounts scaled to the pay of the serviceman—up to a maximum of $30,000. Other proposals to give greater insurance protection to servicemen are pending before the Committee on Finance. They approach the problem in a different manner. I am confident that the committee will want to get into this area later this year time permitting.

I would like to mention two other points in which I have a special interest.

One is the President's seeking of recommendations to assure a veteran of burial in a national cemetery reasonably close to his home. This is an objective that must be achieved.

Second, I heartily endorse the President's recommendation that Congress should express itself in support of the concept that private employers as well as the Government should give job priorities to our returning servicemen.

While the administration can play an effective role in assisting Vietnam veterans who wish to work for the Government, the vast majority of veterans, like the vast majority of other citizens, will seek employment in the private marketplace.

It is my honor to introduce a joint resolution which will give both Houses of Congress an opportunity to indicate their support for this concept.

Few things are more important to a man returning from the battlefield to civilian life than to be able to find a good job at the time he needs it the most.

I hope that Congress will at the earliest opportunity take up the President's essential programs for our servicemen and veterans as proposed in his second veterans' message.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 134) to assist Vietnam veterans in obtaining suitable employment, introduced by Mr. LONG of Louisiana, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Iowa [Mr. MILLER] be added as a cosponsor of the bill (S. 2846) to amend the Poultry Products Inspection Act so as to provide for the Federal inspection of all poultry and poultry products intended for human consumption.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will hold a hearing on S. 2865 on Friday, February 2, 1968, in room 3302, New Senate Office Building at 10 a.m.

The witnesses will be Lowell K. Bridwell, Administrator of the Federal Highway Administration; Dr. William Haddon, Administrator of the Highway Safety Bureau; Heinz A. Abersfeller, Commissioner, Federal Supply Agency, General Services Administration; Peter Henle, Chief Economist, Bureau of Labor Statistics, Department of Labor; and Ralph Nader.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THAT MILITARY-INDUSTRIAL COMPLEX

Mr. YOUNG of Ohio. Mr. President, I take a dim view of generals sounding off on foreign policy, seeking to direct the foreign policy of our Republic. Within the past week Gen. William C. Westmoreland gave out a taped interview from his air-conditioned headquarters in Saigon for the National Broadcasting Co., and this was broadcast in the United States, Canada, and elsewhere. He denounced those in the U.S. Congress who advocate stopping bombing North Vietnam in an attempt to secure a cease-fire. Speaking of the VC, General Westmoreland said:

> If he would succeed in stopping the bombing I think he would win a great political victory which could have quite an impact in north Vietnam.

Mr. President, that is from a general who is using in combat only 65,000 of some 500,000 of our men in South Vietnam today.

Our Marines, the best trained and most intelligent fighting men ever fielded by any country under the heavenly skies of God in the history of the world, are on the defensive south of the demilitarized zone.

Marines are trained for offensive action and amphibious landings. They should be down there fighting in the Mekong Delta, and some of the friendly forces of South Vietnam—which are altogether too friendly—should be up there fighting and dying, trying to hurl back the assailants.

Unfortunately, those who have studied the records of the last 2 months have observed that U.S. forces, in killed and wounded, have suffered about twice the number of casualties than those of the so-called friendly forces—the too friendly forces—of South Vietnam.

Here is the spectacle of a general who is trying to influence and direct the foreign policy of our country. He then echoed with words of approval the lunar new year message of President Nguyen Van Thieu, head of the military regime ruling Saigon. Thieu claimed that Hanoi peace talks were "a political tactic to keep up infiltration and attacks in the south." This is another example of our generals and administration leaders yielding deference to the military Saigon regime of Thieu and Ky which is not a viable government but would fall within a week except for the armed might of the United States. General Westmoreland in voicing his approval of the Thieu-Ky belligerent attitude apparently approves of the tail wagging the dog.

Then Gen. Harold K. Johnson, Chief of Staff U.S. Army, addressed the National Press Club in Washington and also, I believe, some organization in Chicago, sounding off denouncing the Soviet Union and vehemently expressing opposition to stopping bombing of North Vietnam. President Eisenhower, in his farewell statement to the American people, warned against the power of the military-industrial complex. General Johnson on another occasion declaimed that Communist Russia was an enemy that had threatened to bury us. This is the rightwing extremists argument quoting Khrushchev's threat, as if it were the intent of Russian Communist leaders to assail the United States with nuclear weapons burying millions of people. The Soviet Union under Stalin was an aggressor nation and a menace to world peace. During the last 15 years, the Soviet Union, now a have nation and no longer a have-not nation, has been veering toward capitalism. Since the death of Stalin, the Soviet Union really has not threatened any aggression in Eastern Europe. It recently withdrew two divisions, sending them to areas close to the disputed border with Communist China. General Johnson is distorting history, whether because he is a rightwing extremist in the pattern of Gen. Edwin Walker or due to ignorance, I do not know.

Of the many wisecracks and remarks of Nikita Khrushchev, the one most Americans remember is his threat, "We will bury you." Khrushchev made it crystal clear at the time and afterward he did not mean war. He said:

> I don't mean war. I mean competition. You say your system is the best. We say our system is the best. Let's compete and see which is the best.

Yet, John Birchers and extremist rightwing witch hunters who ignore the fact that the two great Communist nations, China and the Soviet Union, are bitterly hostile toward each other still talk about a monolithic Communist menace.

Defense Secretary Clifford would be well advised to tell his generals and admirals to pipe down and give attention to their duties as leaders of our Armed Forces instead of sounding off on political and foreign policy subjects. Theirs is not the duty to direct the foreign policy of our country. Generals Westmoreland and Johnson deviated from their military duties.

The Constitution of our country and the first ten amendments written on the demand of those patriots who won the Revolutionary War provide for civilian supremacy over the military. We should keep it that way.

Prime Minister Gladstone referred to our Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Mr. President, according to J. Edgar Hoover, who should know, the Communist Party in the United States has lost 90 percent of its membership since reaching its numerical strength peak more than 20 years ago. The FBI report is that there were 80,000 Communists in the United States in 1944. The Soviet Red army at that time was crushing "Hitler's supermen" in Europe, and in America there was tolerance for homegrown Communists. At present, the FBI Director estimates the numerical strength of the Communist Party has nosedived and is between 8,000 and 10,000. Gus Hall, the secretary of this ragtag leftwing extremist group, alleges there are 12,000 Communists in his so-called party. He surely would overestimate rather than underestimate. At most there is one Communist in the United States for every 20,000 non-Communists. The odds in favor of free institutions appear to be 20,000 to 1 in our United States. Assuming 80,000 people were witnessing a Big Ten football game in Columbus, Ohio, or watching the Cleveland Browns in the Cleveland Municipal Stadium, as is usually the situation every Sunday there is a football game played there, the chances are that three would be Communist and 79,997 would not. What can we do to prevent these three from harming the rest of us?

Furthermore, we have on our side the city and State police, the FBI and the Army, Air Force, and Navy—never forgetting the Marines. Shades of Valley Forge, Guadalcanal, and Iwo Jima. Do we need Robert Welch, Jr., and ex-Major General Walker or General Johnson, Chief of Staff U.S. Army, to gallop to our aid? If they and other rightwing extremists claim that we no longer are the land of the free, let us at least be the home of the brave.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTHA KITT, THE INVITED GUEST

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD 12 letters to the editor which were published in the Washington Evening Star on January 25, 1968. The 12 letters all deal with the recent visit of Eartha Kitt to the White House.

There being no objection, the letters to the editor were ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Jan. 25, 1968]

LETTERS TO THE EDITOR

(NOTE.—Published letters are subject to condensation, and those not selected for publication will be returned only when accompanied by stamped, self-addressed envelopes. The use of pen names is limited to

correspondents whose identity is known to the Star.)

EARTHA KITT

SIR: As the mother of three sons, two ready for Vietnam, I feel that, although I do not have nationwide television, radio and news exposure, I still would like to be afforded an opportunity to express myself on a subject upon which I feel as intensely as a recent White House guest, Eartha Kitt.

I cannot conceive of how on earth Eartha was invited to a White House luncheon, although I have believed that all people are created equal under God, long before the somewhat enigmatic word "integration" came into current use.

I do not pretend to be superior to this savage singer who speaks of bearing a son too good to fight for his and her country.

I only hope that I am somewhat more civilized, or to be more exact, that I love my three sons enough to respect their willingness and sense of duty to fight and die, if necessary, for their country instead of making a nauseating public display of myself in their defense, which would make them ashamed, disgusted and, I am sure, they would never forgive me.

One can only hope that any son "borne" by this Only Mother of America does not share her savage, crude and intolerable behavior and ideas.

We, as a nation can never hope to overcome the enemy in Vietnam or anywhere else until we ignore and refuse to publicize the behavior of these insidious parasites within our own country who lose no opportunity to take all they can get but in return are willing to give exactly nothing.

Two of my three sons are twins, 23 years old. One was recently married and is due to report for officer training in April.

The other twin can be called at any time.

My youngest, 15, feels as his brothers do, and is "all set for action."

As their mother, you can imagine how I feel about this. But I have to put up or shut up. I know they are right.

Mrs. F. D. SIMPSON.

SIR: I salute Eartha Kitt. I disagree with the public sentiment Mrs. Johnson received from this speech. Eartha Kitt brought the crux of the matter to the family that could achieve peace in Vietnam, and peace in this country.

JOHN DOVE.

TAKOMA PARK, MD.

SIR: When Mrs. Hughes defended the American Boy so vigorously after Miss Kitt's outburst at the White House last week I couldn't help hearing this soliloquy taking place in Mrs. Proud American Momma's mind:

"Committing crimes to keep from going to Vietnam! How dreadful. I can't believe it. My son is in college, where he belongs. Naturally, where else? Haven't we all pulled strings, called on that professor we know, to get our sons in college and to keep them there? Through graduate school, of course. None of my friends have sons in Vietnam. Why, I don't believe I can name a representative or a senator whose son is serving there. My heart aches for the poor boys who are there. Thank God Chet is in college. Let us pray that this awful war is over by the time he gets out, in 1973."

In World War II, colleges were bare of red-blooded young men. Most men, wives, and parents were willing or anxious to do their part to save the world.

Where can Miss Kitt's non-college-oriented anti-Vietnam young men hibernate until 1973?

ALICE P. CHAMPLIN.

SOMERSET, MD.

SIR: The conduct of Eartha Kitt while a luncheon guest of Mrs. Johnson in the White House was despicable and unforgiveable. She has always reminded me of a mean, spiteful feline. Never have I heard her utter a friendly or kind word about anyone on any subject.

AMELIA E. MILLER.

SIR: I feel humiliated and disgraced by Miss Kitt. I speak for my dignified colored race of people. The Bible said there will be wars, and rumors of wars.

My husband was in World War I at Brest, France. He laid in water up over his waist for days and days. There was no medicine. There he had double pneumonia. They gave him cognac and rolled him in blankets. When he sweated them wet they took him out and rolled him in dry ones. Thank God he is still living and well and happy.

Also I had a brother in World War I. He died in September, 1950, and he died happy.

Even now, if you want to make my husband angry just say some nasty remark about the United States Army.

I remember what my beloved President John F. Kennedy once said: "There is time for everything."

I hope every movie house, every night club will boycott Miss Kitt; also show business.

We all love you Lyndon B. Johnson. You just wait and see on election day.

M. B. M.

SIR: Eartha Kitt's remarks on the deeper causes of juvenile violence seem to me an eminently reasonable statement on a serious problem, and quite appropriate to the White House gathering in which it was made. But the angry response in many quarters to what she had to say is nothing less than frightening.

Dr. Martin Luther King sums it up best. He believes that there is much less communication than there ought to be between the White House and the nation. There is less communication today between the American nation and the White House than there was between the French nation and the Palace of Versailles in 1788.

AVERY ANDREWS.

SIRS: There was certainly no reason of Eartha Kitt to state the fact she was "raised in the gutter." It spoke for itself!

DOROTHY LONG.

MT. RAINER, MD.

SIRS: I wish I could feel sympathetic toward Mrs. Johnson in her embarrassment but I cannot. No man alive has any more respect for the office of the President of the United States and the associated position of the First Lady than I have. However, if the White House guest list continues as it has in the past few years to include the names of such nonentities as Eartha Kitt, then I am afraid that embarrassing situations will continue to occur.

W. A. POWER JR.

ADELPHI, MD.

SIR: Most right-thinking Americans are sick and tired of the First Family being kicked around by every cheap publicly hunter who hopes to get a line in the press.

MILDRED AKINS.

SIR: Miss Eartha Kitt revealed ignorance on two scores. The first was lack of good manners.

The second was to equate juvenile delinquency and youth rebellion to the war in Vietnam. If she reads the newspapers she would know that countries without war have the same problems of juvenile delinquency and youth rebellion. The problems are worldwide, they have existed in man's civilizations as far back as anyone can trace. Peace or war makes no difference.

NELSE WINTEN.

BETHESDA, MD.

SIR: I for one feel that the Johnsons should learn from Miss Kitt that maybe she represents a fair portion of thought in America today.

ROSEMARY E. REED MILLER.

SIR: I doubt that Miss Eartha Kitt's recent statements to Mrs. Lyndon Johnson were spontaneous. No one could make so many fine points with such economy of words without planning.

I applaud Miss Kitt for her courage and am thankful that the Johnsons have been so forcefully told how I, too, feel about the war.

READER.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MRS. F. D. R.'S LEADERSHIP IN U.N. HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, this is the year we will commemorate the 20th anniversary of the Universal Declaration of Human Rights by the United Nations—a historic document of freedom that expresses man's deepest beliefs about the rights that every human being is born with, and that no government is entitled to deny.

Every American should remember that much of the leadership in the drafting and adoption of the declaration came from a fine American, Mrs. Eleanor Roosevelt. She was our first representative on the United Nations Commission on Human Rights.

To Americans, the rights embodied in the declaration are familiar, but to many other people, in other lands, they are rights never enjoyed and only recently even aspired to.

American ratification of these conventions is long, long overdue. The principles they embody are a part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—all around the world.

It is my continuing hope that the U.S. Senate will ratify these conventions. This would, I am certain, present the world with another testament to our Nation's abiding belief in the inherent dignity and worth of the individual person.

It would speak again of the highest ideals of America.

DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT

Mr. DIRKSEN. Mr. President, under consideration is legislation of great importance to all who can exercise their franchise. I am referring, of course, to Senate Joint Resolution 2 and amendments thereto, to provide for the direct election of the President and Vice President of the United States. Recently I have read three articles that I believe will be of real interest to Senators.

William T. Gossett, president-elect of the American Bar Association, has written an article entitled "Electing the President: New Hope for an Old Ideal," which was published in the December 1967 issue of the American Bar Association Journal. The Sunday Washington Post of December 31, 1967, contained an editorial entitled "Direct Presidential Election," and the Richmond Times-Dispatch, Richmond, Va., under date of November 22, 1967, printed an article entitled "Popular Vote Favored To Choose President," written by George Gallup. Because of the facts given and the important studies discussed, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ELECTING THE PRESIDENT: NEW HOPE FOR AN OLD IDEAL

(NOTE.—The proposal of the American Bar Association for a constitutional amendment providing for the election of the President and Vice President by direct popular vote embodies the ideal of the framers of our Constitution, Mr. Gossett declares. The Constitution-makers were forced to adopt a compromise device—the electoral college. But now, after 180 years, the defects of the compromise are clear, and the time is ripe to return to the old ideal.)

(By William T. Gossett, president-elect of the American Bar Association)

One hundred and eighty years ago fifty-five men—60 per cent of them lawyers—assembled in Philadelphia. Their purpose was to revise the limp Articles of Confederation, under which the colonies, as a loose federation of autonomous states, had tried, and failed, to govern themselves after achieving independence. Wisely abandoning the revisionist task as hopeless, the delegates spent some fifteen weeks in constructing instead a wholly new document, which was to become the most enduring written constitution in history.

After a week's discussion of general propositions, one of the first provisions discussed at what was to become known as the Constitutional Convention of 1787 was the manner of electing the chief executive of the United States. The first proposal was made by James Wilson, one of the great lawyers of his age, a chief architect of the Supreme Court and one of Washington's initial appointments as Associate Justice. Wilson's proposal was that the President be named by direct "election by the people". The proceedings of the convention were secret, but according to Madison's *Journal*, at least six delegates, including Madison himself, "the master-builder of the Constitution", and four other lawyers, endorsed Wilson's suggestion. No less than eight other methods of electing the President—among them the electoral college system—were proposed. Some of them were first adopted and then reconsidered and rejected.

Not until the final weeks of the convention was the electoral college method adopted. It was not an ideal way or even the best way of choosing a President; rather, it was a compromise device that nobody expected to work and that would invariably result in throwing the election of the President and Vice President into the House of Representatives.[1]

The electoral system, therefore, was never intended by the drafters of the Constitution to be primarily a "states' rights" device to give the states rather than the people the power and the responsibility of choosing the President. According to Madison, Wilson "wished to derive not only both branches of the Legislature [i.e., the Congress] from the people without the intervention of the State Legislatures, but the Executive also, in order to make them as independent as possible of each other, as well as of the States".[2] There was, of course, some uneasiness that the large states might dominate the smaller ones, but the electoral college system, which gave the larger states the larger electoral votes, could not and historically did not correct that propensity.

What really moved the delegates to accept the electoral system, with little enthusiasm and no unanimity of conviction, were certain practical considerations, dictated not by political ideals but by the social realities of the time—realities that no longer exist. These were centered largely in the limited communications and relatively low literacy of the period, which made it virtually impossible for the people to know the candidates, rendered them subject to deceptions and would have inclined them to vote only for someone from their own state. This made it likely that the largest state, having the largest vote, usually would elect its candidate. On the other hand, the delegates assumed that the electors, to whom the people would delegate their franchise, would be the wise men of the community, with their disinterested role protected by the requirement that they not be officeholders or candidates.

Historically, the electoral system did not and could not adhere long to such a pure and detached concept. First, political cabals and later political parties appeared; the electors' role became a mechanical one. As they became partisan functionaries, their names and reputations became far less known to the citizens than those of the candidates. I doubt that anyone reading this can name the electors in 1964 from his own state or even those from his own party. I doubt equally that anyone reading this would be less than outraged by the proposition that he was turning over to a handful of people the right, without enforceable limitation, to specify his choice of candidates for President and Vice President—the basic and only valid assumption of the electoral system. It must be remembered that the electoral system was not intended to be a reflection of the popular vote but a delegation of the full power of that vote to electors.

In an age of speedy transportation, instantaneous communication and high literacy, this delegation of a basic civic right and duty from the many to a few is both anachronistic and abhorrent. The report of the Commission on Electoral College Reform of the American Bar Association[3] used strong language when it characterized the method as "archaic, undemocratic, complex, ambiguous, indirect and dangerous"; but the language was not used precipitously. Most of the faults inherent in the electoral college system have been intensified rather than alleviated by the passage of time. Briefly, the major defects are:

1. The popular will of the majority of the people of the nation can be—and has been—defeated by mathematical flukes.

2. The choice can be—and has been—thrown into the House of Representatives, where each state has but a single vote.

3. A vote can be—and has been—cast by an elector for a candidate other than that for whom the voter expected him to vote.

4. Strong partisan cabals can influence—and have influenced—results of elections by influencing the choice of electors and appropriating party labels.

5. The disputed electoral vote of one state can negate—and has negated—the will of the rest of the nation.

6. Candidates with a clear plurality of the votes of the American people can be—and have been—defeated by candidates with a lesser vote.

7. The electoral vote of a state can—and does—nullify ballots of all voters not supporting the winner in that state.

8. The electoral votes of a state with a small percentage of its voters casting their ballots can—and do—have as fixed a numerical strength as a state with a large turnout.

9. The margins of victory and of defeat can be—and are—grossly exaggerated by electoral votes, thus creating dangerous distortions of the real balances in our political system.

ASSOCIATION'S RECOMMENDATIONS

The recommendations of the Commission to convert or eradicate these defects are direct and to the point: that the President and Vice President be elected by a direct, nationwide popular vote; that unless the leading candidate receives at least 40 per cent of the vote, there be a runoff election between the two top candidates; that while the place and manner of holding presidential elections remain the primary responsibility of the states, the Congress have the power to make or alter election regulations, particularly "where the state attempts to exclude the name of a major candidate from the ballot"; and that the qualifications for voting for President be the same as those for voting for members of Congress, but that "Congress be given the reserve power to adopt uniform age and residence requirements". The Commission also urged that Congress hold hearings and take appropriate legislative action on solutions for such contingencies as the death of a candidate either after or shortly before the election.

The directness and justice of these recommendations prompted an exceptionally uniform favorable reaction throughout the press of the nation, as editorialists and columnists for the most part endorsed the Commission's proposals. A Gallup poll revealed that 58 per cent of the people favored direct popular election of the President, with only 22 per cent opposed. Significantly, majority approval of the people, as reflected in this poll, came from every region of the country, ranging from 52 per cent in the South to 66 per cent in the Far West. This parallels closely a poll of state legislators in which more than 59 per cent of 2,200 responding favored direct popular elections. Legislation based on the recommendations was introduced in the Senate and House with leadership support from both parties. Hearings have already been held on behalf of the Senate and are now pending in the House.

Despite the prompt and affirmative response to the American Bar Association's proposals, objections to the proposed reforms in presidential elections have arisen. Any suggestion to change old ways of doing things, of course, always invites vigorous objections—a healthy enough tendency in matters calling for constitutional amendment, which was purposefully made a difficult process by the Constitution-makers, in order to provide time for the airing and answering of objections. In the case of the proposal for direct, nationwide popular vote for the President and Vice President, the objections seem to center in the age-old fear that the influence of the small or sparsely settled states would be diminished somehow, especially in view of the requirement that a candidate receive at least 40 per

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[1] Apparently the House was chosen instead of the Senate, even though each state was to have but a single vote, to avoid giving the Senate too much leverage and to obviate excessive bargaining between Senators and the leading aspirants to the office of President with regard to appointments after the election. FRITCHETT, THE AMERICAN CONSTITUTION 26 (1959); ROSSITER, THE GRAND CONVENTION 220 (1966).

[2] 1. FARRAND, THE RECORDS OF THE FEDERAL CONVENTION of 1787 (1937 ed.)

[3] *Electing the President*, 53 A.B.A.J. 219 (1967).

cent of the vote to achieve election, and in the provision for runoff elections when no candidate receives the required minimal percentage.

Answers to these objections are either explicit or implicit in the report of the Commission, and they are confirmed by any historical analysis of election statistics. It may be useful, however, to review them briefly here, because the proposals unquestionably will be the subject of widespread discussion for some time to come.

With regard to the effect of popular, nationwide elections on the influence of small or sparsely settled states, far from diminishing it, the proposed reforms would in fact considerably strengthen their participation in elections. While there is belief that the electoral system, because the ratio of electors to population favors small states (Alaska has one elector for each 75,380 inhabitants and Nevada one for 95,093, while California and Pennsylvania have one for every 392,930 and 390,323, respectively), the practical operation of the electoral system has led the parties to concentrate disproportionately on their candidate or platform appealing to the majorities in the large industrial states, twelve of which have a clear majority of the total electoral vote. Thus, the candidates can and have tended to ignore the small states. That this strategy has worked to the detriment of the influence of small states is clearly apparent in a review of the states as barometers of election outcomes—that is, the number of times a state has cast its vote for the winner.

Omitting Alaska and Hawaii from consideration (because they have cast votes in only two elections), of the twenty-eight states having less than ten electoral votes each, only four—14 per cent—have been with the winner in as many as four of five elections. But all five of the states heading the list in electoral votes, with more than twenty-five each, have been with the winner in four of five elections. The ten states that have least often helped to elect the winner have an average of 8.7 electoral votes. The ten that most often have helped determine the winner have an average of 19.4 electoral votes. Nor is this a matter only of regionalism. Delaware, with three votes, has been on the losing side more often than Georgia with twelve, and Vermont, also with three, more often than Louisiana with ten.[4]

In view of these and related figures, it is difficult to see what real influence of the small states is being diminished. In a direct election, *all* of the votes within a state would be reflected in the national total. And so if the electoral system were abolished, fundamental inequities would vanish. There is no plausible reason why a resident of Nevada should have four times the voting power, in terms of electoral vote, of a resident of California. Nor can I explain why the 1,200,000 people who voted in Connecticut in 1964 should have their ballots count in electoral vote power for no more than those of the 500,000 who voted in South Carolina.

Each electoral vote for the candidate who won in Connecticut represented the will of some 52,000 Americans who took the trouble to cast their ballots, while each electoral vote of the winner in South Carolina reflected the will of only 11,500 voters. In other words, a South Carolina vote has almost five times the power in electoral votes of a Connecticut vote. Why? In the long run it does not favor even the South Carolinian; he has been with the loser 44 per cent of the time, while Connecticut has been with the loser only 32 per cent of the time. Clearly, any election system that lessens the power of any individual's vote in order to enlarge another's, on whatever grounds, rationale or pretext, is inequitable, unjust and indefensible. Anyway, why should not *all* of the votes cast within a state be reflected in the national total?

The Commission's recommendation that no one receiving less than 40 per cent of the vote be elected has its roots in the simple recognition that anything less would constitute a mandate insufficiently representative of the popular will and that a requirement of anything more would run the risk of frequently causing resort to contingent election procedures that in the past have more often flown in the face of the will of the people than reflected it.

Only twice in our history, as a matter of fact, has a President gone into office with less than 40 per cent of the popular vote: in 1824, in an election epitomizing the inequities of the electoral system, John Quincy Adams, who received 31.89 per cent of the popular vote, as compared to Andrew Jackson's 42.16 per cent, was elected by the House of Representatives, to which under the Constitution the election is delegated in the event that no candidate receives a majority of the electoral vote (Adams got only 32 per cent of the electoral votes); and in 1860, Abraham Lincoln was elected by an electoral majority of 59 per cent, though his plurality in the popular vote was only 39.8 per cent.

Though only in those two instances did a winning candidate receive less than 40 per cent of the popular vote, the desirability of making the plurality necessary to election no higher is emphasized by the fact that no less than twelve Presidents have won by between 40 and 50 per cent of the popular vote—including four in this century. This means that altogether in fourteen of forty-five elections, candidates have been elected on pluralities rather than majorities of the popular vote. Had those elections been forced into the House of Representatives, nearly a third of our elections would have represented not the choice of the people but of one of the two houses of Congress, with resulting compromise to the traditional separation of powers.

Placing the plurality requirement at no less than 40 per cent is justified also as a means of preserving the two-party system—a factor that has given the American democracy a unique stability. A proliferation of splinter parties could bring about the election of Presidents representing only well-organized minorities of less than four out of ten voters. Inevitably, in order to function adequately and to advance a legislative program, coalition administrations would be the probable result; and party accountability, one of the main props of our political structure, would be seriously undermined. At the same time, the 40 per cent requirement is sufficiently realistic, and sufficiently responsive to the continuing need in an open society to accommodate change, to make possible the emergence of new or splinter parties or the growth of established third parties when they seriously respond to new conditions, new aspirations or newly recognized values.

The Commission's proposal for a national runoff election between the two candidates with the largest number of votes, in the event that no one gets 40 percent or more, provides for a contingency which, however remote it may be on the basis of historical evidence, nevertheless conceivably could occur. Actually, only once in our history since popular votes have been cast did no candidate get 40 per cent of the popular vote.

The sole exception was the election of 1860, when Lincoln led in the popular vote, 39.79 per cent—missing the 40 per cent proposed minimum by only slightly over two tenths of 1 per cent. But Lincoln's name did not appear on the ballot in ten states, which could have easily made up the difference. We are, therefore, talking about a contingency so remote that it has happened only once in 178 years—and then by a tiny fraction of 1 per cent.

But the law must deal with the possible as well as the probable. The present unit rule system of throwing unresolved elections into the House of Representatives, with each state having a single vote without regard to its size and with each state's House delegation empowered to ignore the state's vote in the election, is clearly a political monstrosity, fully distorting the most elementary principles of self-government and opening up possibilities of political wheeling and dealing wholly repugnant to a free people. Under it the choice of the people of the twenty-six least populated states, representing 16 per cent of the nation's total population, could prevail over that of the twenty-four most populated states, representing 84 per cent of the people.

As a matter of fact, under the unit vote system by which the House decides disputed elections, in 1824 thirteen states cast their votes for Adams, thus electing him—even though in the popular election Jackson got nine states to Adams' six, and in the electoral balloting eleven states to Adams' nine. It is significant of the kind of wheeling and dealing inevitable in such House procedures that Adams was given the vote of Kentucky, a state in which he had not received a single popular or electoral vote.

The election in 1968 could produce a similar distortion. If former Governor George Wallace of Alabama were to be a candidate, he could conceivably carry enough Southern states to prevent either of the major candidates, with their divided parties, from getting a majority, thus throwing the election into the House of Representatives. In 1948 the States' Righters took thirty-nine electoral votes, and the Henry A. Wallace Progressives cost President Truman the states of New York and Michigan.

A national runoff is not a perfect way of deciding unresolved elections, but it has been demonstrated in other countries and in some of our state primaries to be preferable to any other plan and to be completely workable. Above all, it keeps the election of the only two truly national officials in our government in the hands of the people where it certainly belongs. It also keeps the presidency independent of the Congress, which the Constitution-makers clearly intended it to be. It minimizes the effects of changing state populations, of padded election returns and of cheating on tallying ballots.

It was the Commission's conclusion that the direct national election would effectively meet all the evils of the present system. As Professor James C. Kirby, Jr., a member of the Commission, has pointed out:

District and proportional plans each fell short in more than one respect, but the following corrections . . . were projected to flow from direct election:

First, all votes cast within a state would be reflected in the national totals.

Secondly, by necessity there would no longer be a possibility of a "minority President," in the sense of one elected with fewer votes than an opponent.

Thirdly, there would cease to be any "pivotal states" as such because no state's votes would be cast in a unit.

Fourthly, the so-called "sure state" would disappear because candidates' efforts would be directed at people, regardless of location, and no Republican or Democratic minority in a state would be ignored because they were outnumbered there.

For similar reasons the fifth evil disappears. The so-called "swing vote" within a state would lose its special attractiveness with its power to tip a state's entire electoral vote one way or the other. The votes of a 200,000 voting bloc in a particular state would be only 200,000 votes toward a necessary national

[4] Statistics from PETERSEN, A STATISTICAL HISTORY OF THE AMERICAN PRESIDENTIAL ELECTIONS 168.

total of 30 to 40 million votes. These 200,000 votes would take on the same appearance to a candidate as any other 200,000 in the same state or anywhere else in the nation.

Finally, fraud or accident affecting a particular voting place or locality would affect only the votes involved and could not cause an entire state's vote to be miscalculated.[5]

In supporting the pending proposal to bring about a really significant and lasting electoral reform, the American Bar is helping to bring to fruition an ideal sought by our forebears: it will assign clearly and incontrovertibly the choice of our executive to the people—which a great member of the Philadelphia Bar and a leading proponent of the Constitution, John Dickinson, called "the best and purest source".[6]

[From the Washington (D.C.) Post, Dec. 31, 1967]

DIRECT PRESIDENTIAL ELECTION

In this era of growing equality, there seems to be a rising demand for direct popular election of the President and Vice President by a majority of the votes cast in all the states. One major argument has stood against the proposed change. Residents of some small states have feared that they would lose some of the influence they now have in such elections by reason of the fact that the Constitution gives each state an electoral vote for each of its two Senators as well as for each of its Representatives. In a direct popular election there would be no electors, and each individual vote would be counted for precisely what it is. The tendency has been to see in this an elimination of the advantage the Founding Fathers gave the small states to induce them to join the Federal system.

More sophisticated analyses seem to show, however, that the supposed advantage given to the small states actually reduces their influence. John F. Banzhaf III, a New York lawyer with a background in mathematics and computer science, has made a detailed study which shows that a voter in a big state like New York or California has more than two and a half times as much chance to affect the election of the President as a resident of a small state and more than three times as much chance as a resident of the District of Columbia.

The reasoning which leads to this conclusion is complex but interesting. Mr. Banzhaf explains it this way:

First, one examines, with the aid of a computer, all of the different possible arrangements of electoral votes and determines those in which any given state, by a change in its electoral vote, could change the outcome of the election. One then looks to the people of the state and determines in how many of these voting combinations a resident could affect how that state's electoral votes would be cast. Finally, combining those two figures, it is possible to calculate the chance of any voter affecting the election of the President through the medium of his state's electoral votes; in other words, his chance to effectively participate in the presidential election.

Without delving into Mr. Banzhaf's technical explanations, his conclusion may be illustrated by a specific example. New York has 43 electoral votes and Alaska 3. Since New York has approximately 74 times the population of Alaska, it might be supposed that an individual Alaskan's vote carries much more weight than a New Yorker's. But the computers say otherwise. The key to the situation is the fact that the New Yorker may potentially affect 43 electoral votes and the Alaskan only three. This advantage, according to Mr. Banzhaf, far outweighs Alaska's heavily weighted representation in the electoral college.

If this reasoning is correct, the most heavily favored citizens under the present system are those of New York, California, Pennsylvania and Ohio. The most deprived are those in Maine, New Mexico, Nebraska, Utah and the District. With the aid of computers, Mr. Banzhaf has worked out elaborate tables showing the inequities of the present system and of all other proposed methods of counting electoral votes. All the systems which would retain electoral votes in any form, including the Administration's plan for abolition of the electoral college, fall critically short of the ideal of voter equality.

Only direct popular election of the President would put all voters on an equal basis. Votes would then be cast for the presidential candidates as such, and, under the proposed constitutional amendment before Congress, the candidate with the largest number would win if it amounted to 40 per cent or more of the total. If no candidate had more than 40 per cent, a run-off would be necessary. In our view, this is the only method of providing real voter equality in the election of greatest concern to American citizens. Although it is too late to affect the 1968 election, Congress ought to approve this fair and modern constitutional change early next year and send it to the states for ratification.

[From the Richmond (Va.) Times-Dispatch, Nov. 22, 1967]

POPULAR VOTE FAVORED TO CHOOSE PRESIDENT

(By George Gallup)

PRINCETON, N.J.—With the distinct possibility that a third party could prevent either major party from getting a majority of the electoral vote in the 1968 presidential election, attention once again is directed to the way U.S. presidents are elected.

A large majority of the American public (65 per cent) favor basing the election of the president on the total popular vote throughout the nation, rather than the present system where a candidate wins the total electoral vote in a state even if he wins just a bare plurality of the popular vote.

Fifteen surveys have been conducted on the subject during the last three decades. Each time a majority of the people in every section of the country has favored changing our presidential election system. In few other instances in polling history has there been such a long time lag between the public's wishes and congressional action.

Most recent presidents, in addition to a majority of the American people, have favored electoral reform. The American Bar Association's nonpartisan Commission on Electoral College Reform reported last January:

"The present method of electing a president of the United States is archaic, undemocratic, complex, ambiguous, indirect and dangerous. It gives too much weight to some voters and too little to others; gives excessive power to organized groups in states where the parties are evenly matched; places an undue premium on the effects of fraud, accident, and other factors, and allows for the possible abuse and frustration of the popular will."

Political analysts have speculated over the possibility of a George Wallace-led third party in 1968 preventing any candidate from winning a majority of the electoral vote, thus turning the decision over to the House of Representatives.

A Senate subcommittee, headed by Sen. Birch Bayh of Indiana, is holding hearings on a proposal to base the election of presidents on the total vote cast.

According to Bayh's office, support for the direct election of presidents is bipartisan; endorsement has come from members of Congress on both sides of the political aisle.

Against this background, Gallup Poll interviewers recently asked the following question of persons in 1,585 households across the nation:

"Would you approve or disapprove of an amendment to the Constitution which would do away with the Electoral College and base the election of a president on the total vote cast throughout the nation?"

The latest results represent a slight increase in the 63 per cent approval vote recorded in a May 1966 survey:

Approve	65
Disapprove	22
No opinion	13

Analysis of the results by key population groups shows that the direct vote plan also has bipartisan support, not only in Congress but at the grass-roots level as well.

College trained persons are more likely to back the proposal than are persons with little or no formal education, but even among grade school people a majority vote in favor as seen in the following table:

[Approved, disapproved, no opinion]

College	70	24	6
High School	67	22	11
Grade School	54	19	27

Contrary to the opinion of many persons, the present "winner-take-all" plan was not written into the Constitution. With the growth of political parties, the plan was introduced to increase the influence an individual state might have in presidential elections.

Largely because of the workings of the present system, political parties in presidential campaigns concentrate their efforts on the large states where the parties are evenly matched, and ignore the "sure" states, or those states where the electoral vote is small.

Under the proposed plan, both parties would find it necessary to make each state a battleground in order to increase that party's total vote throughout the nation.

NEW PATHS IN SOCIAL RESEARCH

Mr. HARRIS. Mr. President, the November 1967, issue of the American Psychologist deserves the most careful reading by all who are troubled by the state of our society. That excellent edition of a widely read and much-respected professional journal was dedicated in its entirety to a consideration of proposals introduced in the 90th Congress which have a direct bearing on the betterment of our social knowledge. One of these proposals is my own legislation establishing a National Foundation for the Social Sciences. The objective served by this proposal is to increase our social research efforts in the hope of improving our social knowledge.

The other proposal considered in the issue is the Full Opportunity and Social Accounting Act, proposed by the Senator from Minnesota [Mr. MONDALE]. The bill would provide a public institution, a Council of Social Advisers in the Executive Office of the President, charged with the responsibility of developing sharpened indicators of our social health as well as with presenting those facts to the President, Congress, and the country. Clearly, one proposal complements the other.

Accordingly, I am pleased to have an opportunity to invite the attention of Senators to Senator MONDALE'S excellent

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[5] Statement of James C. Kirby, Jr., professor of law at Northwestern University School of Law, before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, May 17, 1967.

[6] PADOVER, TO SECURE THESE BLESSINGS, THE GREAT DEBATE OF THE CONSTITUTIONAL CONVENTION 359 (1962).

article entitled "Some Thoughts on Stumbling Into the Future." I commend this stimulating discussion of the Full Opportunity and Social Accounting Act to the attention of the Senate and other readers of the RECORD. I ask unanimous consent that the article be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Psychologist, November 1967]

SOME THOUGHTS ON "STUMBLING INTO THE FUTURE"

(By Hon. WALTER F. MONDALE, U.S. Senator)

First, change is the order of the day. The question is not whether, but whither.

Seocnd, public men must respond to that change. The critical question is how well informed their responses—and their decisions—can be.

Third, it follows that citizens who understand change have a public responsibility to inform those who make decisions about it. Among others, perhaps more than others, these citizens include social scientists. Thus the Government's interest in their welfare complements their interest in the Government's welfare. And together, Government and social science have a profound interest in the public welfare.

Given this interdependency of interest, the two pieces of legislation which are receiving special attention in this issue of the *American Psychologist* have a special relationship to each other. The "National Foundation for the Social Sciences Act," of which Senator Fred Harris of Oklahoma is the author and I am cosponsor, is intended to provide Government assistance for social science research and scholarship. The "Full Opportunity and Social Accounting Act," of which I am the author and Senator Harris is a cosponsor, is intended to make use of the research scholarship, and individual excellence of social scientists at the highest, most visible levels of the Government. The case is strong for each; the case for both, in my judgment, is overpowering.

ORDER AND CHANGE

Political philosophers since Plato have speculated on the best way to assure order in the conduct of public business. That speculation, far from lessening, has grown more intense and imaginative in our age, as change of every sort from exploding populations to exploding knowledge—even to exploding cities—is our constant companion.

The first half of this century brought transformations in the social landscape unthinkable to our fathers and still incomprehensible to many of us. At the turn of the century, half our people lived on farms and many of the rest in small towns. Today, something like 5% of our population is rural and virtually all population increase is being registered in metropolitan America.

When the Nation's population was widely dispersed in farms and hamlets, the rate of social change was slower, and public social welfare was largely a local concern. In fact, it was often a private rather than a public matter.

But yesterday's stability has given way to tumultuous and apparently irrestible change. Our unhappy record of recognizing and responding as a nation to past and present change worsens when it comes to actually *planning* for tomorrow's results of today's change. We are unable to predict the effects of the responses we now make. We live *alongside* change but we have not learned to live *with* it, to accept its necessity. Most certainly, we have not yet attained the ability to harness the dynamics of change for the achievement of social goals of our own selection.

John W. Gardner, Secretary of Health, Education, and Welfare, has provided this glum but just appraisal of our record in coping with change:

"We have great and honored tradition of stumbling into the future. In management of the present, our nation is—as nations go—fairly rational, systematic, and orderly. But when it comes to movement into the future, we are heedless and impulsive. We leap before we look. We act first and think later. We back into next year's problems studying the solutions to last year's problems. This has been true as long as I can remember."

Yet it is only tomorrow that is sensitive to what we do today. It is impossible for us to affect the past or the present moment which is even now passing away.

Obviously, then, planning for the future is an indispensable preoccupation for public men. This is not an original insight. Scholars identify Thucydides' *The Peloponnesian War*, in the fifth century, B.C., as the first treatise on political decision making produced in our Western culture. The premise that future-planning is both indispensable and legitimate for public men was put into the mouth of Archidamos, addressing the Assembly of Lacaedemonians on the eve of the Peloponnesian War: "For we that must be thought the causers of all events, good or bad, have reason also to take some leisure in part to foresee them." To Thucydides as to us, *tomorrow* was the proper object of *today's* activity. He also suggested that forethought and foresight are the irreplaceable ingredients of future-planning.

Social scientists from such interdependent disciplines as psychology, political science, anthropology, sociology, and economics are analyzers of the public. Observing and explaining certain aspects of human behavior are their domain—but forecasting future behavior on the basis of generalized knowledge is the ultimate test of their sophistication. Putting forecasts to the task of human decision making is the ultimate test of their commitment.

Standing as they do on the accumulated social wisdom of the past and on the measured knowledge of the present, social scientists are uniquely capable of vital contributions to the public effort at every level. In the words of the distinguished French political scientist, Bertrand de Jouvenel, the body politic is "a vast army 'making its way' in a literal sense; this raises a variety of problems to be foreseen by a variety of social scouts." In my judgment, social scientists are particularly well equipped to serve as "social scouts" in our own society, and they have an opportunity to serve.

De Jouvenel, himself a European social scout of some distinction, makes a harder judgment. Failure of a social scientist to scent the social atmosphere, and to advise public men of coming change and of necessary steps to meet and modify it, is, for de Jouvenel, unforgiveable. For he views social scientists as students of behavior and, he writes, "such a study must be called idle or unsuccessful unless it results in an increasing ability to state what is to be expected."

THE MEANS OF PARTICIPATION

The structure proposed in the Full Opportunity and Social Accounting Act can help public officials appreciate, understand and supervise change, and facilitate the application of social information to the pressing problems of our society.

Its Council of Social Advisers, annual Social Report, and joint Congressional Committee are specifically designed to provide a rigorous, reliable and verifiable accounting of progress and possibilities in the social arena. It is modeled on the effective structure created for economic questions by the Full Employment Act of 1946, with its Council of Economic Advisers, annual Economic Report, and joint Congressional Committee.

How badly we are doing at the present time in measuring our failures and documenting our successes in improving the quality of American life is illustrated by two separate and very different incidents.

The first incident concerns the charge levelled early this year by the National Committee Against Discrimination in Housing that, for the past 3 decades, all good intentions notwithstanding, the Federal Government has *fostered* racial segregation and consequently trapped Negroes in slum ghettos.

Their specific criticisms attacked a broad range of programs and policies, among them urban renewal, transportation, and public housing. Some of the programs the Committee cited sought to improve American society generally; others, such as public housing, aimed at specifically improving the condition of the indigent. Of urban renewal, the Committee charged that the programs "have consistently violated the rights of Negro Americans and other minorities by forcing their continuous upheaval and relocation in racially segregated areas to accommodate local community prejudices."

Because the main target of the criticism was the Department of Housing and Urban Development, HUD Secretary Robert C. Weaver prepared an 8-page rejoinder which said, generally, that the Department was doing the best it could under current laws but stronger legislation was needed.

That was the best that could be said, given the state of our sophistication. It is not good enough. As a Senator who has voted for some of these programs, or supported others enacted before I came to the Senate, I am perplexed and troubled.

More recently, the Department of Transportation has taken its first concrete step to tally the total cost of a freeway system to be constructed in Baltimore. Part of that system's cost will consist of large-scale sociological displacement, the disruption of whole neighborhoods and the destruction of worthy old buildings.

It is difficult to measure the social "cost" of a freeway but it is vital that we attempt to do so, and this initial attempt at social accounting on the part of the Department of Transportation is both commendable and encouraging. It is particularly laudable because it is visible—a publicly disclosed effort for Government officials, in cooperation with sociologists, economists, engineers and others, to compute the entire cost, monetary and social, of a proposed roadway system. Visibility is absolutely critical in social auditing efforts, to assure the participation of all concerned parties in evaluating the expenditure of vast sums of public funds on projects with social implications.

Social accounting efforts have been underway on a limited basis in Government agencies and scattered university research centers for the past several years. The facts which indicated violent disorder in Watts and Hough and Newark were plainly present long before riots brought well-intended if short-lived attention to the grinding problems of human beings imprisoned in those ghettos. But there was not, and is not, a highly visible national forum to confront the American conscience with the hard facts of its social problems. And because there is no forum, we can pretend there are no problems.

Certainly there must be more peaceful and precise ways than riot to measure the state of our social health. Quite obviously, we need to develop better indicators of social well-being. And then we need to learn to apply our knowledge to the problems we will face.

One of the social sciences, economics, has demonstrated its ability to head off economic downturns and potential disasters by carefully developing and studiously observing such indicators as retail sales volume, amount of new investment, inventory levels, and levels of gross national product. We now have no comparable system that will alert us to social disaster—a system of social indicators, widely broadcast, by which we could keep

watch in a general way on the social processes in our nation and plan for society's orderly development. We need not seek comparable sophistication—we simply need more than we have.

In tragic innocence, we undertake ambitious and laudable programs, frequently on the basis of little more than a hunch or, more politely phrased, an intuitive political judgment. When our hunch has gone askew, we watch with shocked amazement as our well-intended efforts result in unanticipated reactions.

The absence of adequate, *publicly announced* indicators can also veil our successes and encourage mistaken exploitation of surface indications of failure, whether it be the testing of new educational techniques, methods of fighting crime, or the administration of welfare funds.

In short, we know we are destroying old structures and building new ones, *but what are we doing to people?*

INTERACTION AND DEVELOPMENT

As our present programs continue in their sometimes uncertain way, we must undertake to devise better analytical methods—to help us find out what we have really done, what is likely to come, and what we ought to be doing about it. To say that our social programs may be imperfect and sometimes misdirected is not to say, of course, that we should halt all attempts at social betterment. But perhaps we can find ways to do more with less material and social cost and with less wasted motion along the way.

Beyond the establishment of social analysis, there should be persistent and perceptive and continuing high-level consideration of our social processes, their problems and possibilities, such as is provided for the President by the Council of Economic Advisers in the economic field. We need not wait for ultimate sophistication to carry on this discussion; we do not yet use the sophistication available to us now at this level.

It would be wrong, and it is unnecessary, to claim that development and use of social information would magically reveal the truth in every case. It would be equally naive to believe that we could avoid, or even know of, every impending crisis. Yet better analysis, systematically undertaken and watched constantly by the press, the Congress, and the public, could yield invaluable guidance for future action.

The system of social evaluation envisioned in S. 843 would serve five purposes:

It would sharpen our quantitative knowledge of social needs.

It would allow us to measure more precisely our progress toward our social objectives.

It would help us to evaluate efforts at all levels of government.

It would help us determine priorities among competing social programs.

It would encourage the development and assessment of alternative courses without waiting until some one solution had belatedly been proved a failure.

The legislation itself contains four key sections:

1. It establishes full social opportunity for all Americans as a national goal.

2. It establishes a President's Council of Social Advisers and charges them with devising a system of social indicators, and with appraising Governmental programs and advising the President on domestic social policy.

3. It requires the President to submit an annual Social Report, comparable to the Economic Report, disclosing the indicators for public examination and giving them wide exposure.

4. It establishes a Joint Congressional Committee on the Social Report, which could hold hearings and subject the President's Social Report to critical analysis.

The legislation provides a framework for marshalling the knowledge we have and a structure for obtaining the additional facts we need. It also provides an opportunity for social scientists to become social scouts and for public men to make fuller use of the knowledge and technology now present in the social science community.

Both the problems and the possibilities are illustrated in miniature in the article, "Chart Room to Aid Lindsay by Listing Data for Decisions," in the September 23 issue of the *New York Times*. Discussing a plan for "issue maps" which would present information to the mayor, a consultant reported on his study of information flow:

"We found that the sources of this information were sporadic, erratic, subject to error, and certainly, not built to save you time and help you make the kinds of decisions that will be most effective."

The type of "war room" described in the article would almost certainly not present information to the President of the specificity suggested for the mayor of New York City. But the idea of organizing social data and presenting carefully studied alternatives has its parallel in the proposed Council of Social Advisers. Added to it would be the presentation by the President of proposals to be discussed by the public, the academic community, and the Congress, which has, after all, the final power of life and death over social programs and cannot continue to operate in relative ignorance of the nation's social conditions and the ramifications of proposals to improve them.

The case for such a national effort is a strong one, I believe. With Senator Harris' Social Science Foundation to stimulate the development of sophistication in the social sciences themselves as a companion structure to a Council of Social Advisers, we could look forward to some exciting possibilities:

1. Better prediction and earlier, more sophisticated action to deal with the problems of the future.

2. A public social dialogue at the highest levels of our Government.

3. An intensive social effort which stumbles less—and helps more.

4. New communication between social scientists and policy makers, demanding better efforts in both houses.

5. Perhaps most important, the involvement of the best American minds in the most humane American efforts.

IMMIGRATION REFORM SHOULD BE PASSED SOON

Mr. PROXMIRE. Mr. President, today I wish to urge the passage of S. 2524, a measure which I am proud to have cosponsored. I would like to share with Senators one good reason for its passage which has recently come to my attention.

Section 14 of this proposal would permit foreign nationals serving with our boys in Vietnam to become American citizens without the usual delay. Joe Hegarty, who came to this country in 1965, comes from a long line of freedom fighters. His uncle, Jim Hegarty, now one of Milwaukee's outstanding citizens, was a member of the IRA. Joe fought for freedom in Vietnam. He had been in this country for only 7 months before he joined the Army, and just last year he spent 10 months in Vietnam fighting for us. He risked his life for us. I think the least that we can do is recognize the contribution he has already made to this country and is likely to make in the future by hastening his application for citizenship.

There are many Joe Hegartys in this country. S. 2524 will recognize them for what they are—patriots in the true sense of the word—and will show our appreciation for what they have done for us. We often forget what a precious thing American citizenship is. Let us not forget these men; let us grant them citizenship now.

DONALD R. LARRABEE

Mrs. SMITH. Mr. President, at the inaugural of the 1968 president of the National Press Club last Saturday night, a special inaugural edition was published.

One of the interesting pieces in the special edition is entitled "Larrabee Is a Politician, Record Confirms," written by Earl H. Richert. It is a brief but most interesting profile of a very engaging, personable, and capable young man—Donald R. Larrabee.

Don has been a most successful journalist. But his career is really just starting, and I am confident that he will become one of our country's foremost journalists.

It is my pleasure to read into the RECORD this very excellent piece by Earl H. Richert on Don:

LARRABEE IS A POLITICIAN, RECORD CONFIRMS

(By Earl H. Richert)

At 44, Donald R. Larrabee clearly is a successful journalist-entrepreneur. And his Press Club record shows him to be no mean politician.

Chief of the Griffin-Larrabee News Bureau since Bulkley Griffin's death last May, Don has been adding steadily to the long list of newspapers for which his bureau serves up news of Washington goings-on. His latest recruits have been The Trenton Times, biggest newspaper in New Jersey's capital, and the Anchorage Times in Alaska.

These two recent additions bring to 28 the number of newspapers served by the Griffin-Larrabee Bureau. They include most of the major dailies in Massachusetts and Maine and others in Connecticut, Rhode Island, New York, Pennsylvania and Iowa. The bureau continues under the ownership of Bulkley Griffin's widow Isabel.

One would think gathering news (with only three aides) for 28 newspapers, trying to keep the old customers happy and trying to get new ones would be enough to tax the energies of the slender Mr. Larrabee.

But no. He's elbow deep in Press Club affairs, having just led a field of five candidates for a three-year term on The Press Club's Board of Governors. This follows a two-year stretch as Press Club treasurer and a former hitch as club secretary.

In addition Don is exceptionally active in the affairs of the Westmoreland Congregational Church of which he served as moderator in 1960, and in the activities of the Maine Society of Washington, D.C. for which he originated its now-famous lobster dinner.

As is true with most lifelong newspapermen, Don knew he wanted to be a newspaperman from the start—the start for Don being age 11 when he began submitting short stories to the Portland, Me., Evening Express in the city where he was born. His contributions were to a regular column maintained for youngsters and he soon was filling the space every week, with Uncle Wiggly-type stories.

In high school he was paid for supplying news items to the same paper and in addition (showing the same extra-energy now evident) he started the school paper which still is being published.

The school principal opposed the school

paper project but Don collected $12 worth of ads from the corner merchants, talked a printer into doing the first issue at a loss, and delivered the papers still wet with ink at a school concert.

At Syracuse University, he specialized in writing articles on band leaders playing the downtown spots and wrote a record review column for the "Daily Orange," as well as doing a little studying.

Enlisting in the Army Air Corps, he wound up in a crytographers' school at Pawling, N.Y., where he says he learned secret codes in 20 days. Later he was shipped to the Tucson, Ariz., Davis-Monthan Air Base where he quickly learned they had no use for cryptographers but needed people to sweep floors and do "KP". But he located the base newspaper and for the next two years edited that weekly publication, writing three-fourths of the copy and taking regular abuse from the commanding officer for allowing certain personal items to get into print.

He then was sent to the Philippines, Okinawa and finally Japan, after Aug. 30, 1945. Don was waiting at Atsugi Air Base when Gen. MacArthur arrived and he spent the next four months writing stories aimed at proving the Air Force won the war.

Following the war, Don got the "entertainment bug" out of his system by serving a time as manager of Glenn Henry's Orchestra which then was playing the Aragon Ballroom—a project which rapidly used up all his wartime savings, trying to keep the musicians fed.

He was hired sight unseen by Bulkley Griffin but didn't get together with his new boss for several days after arrival in Washington. Don kept waiting for Mr. Griffin at his office in the Press Building but "Buck" was at the Senate Press Gallery.

Don has spent the better part of every working day in the gallery for the last 21 years. And since most of his papers were in New England, this meant from the day of his arrival in the House in 1947 keeping an eye "full time" on John F. Kennedy. No, Don never expected Kennedy to become President.

Don's wife, the former Mary Elizabeth Rolfs, was working as a producer at WMAL–TV, when they met. Their courtship survived the Republican National Convention in Philadelphia in 1948 and they married that fall. The fruits of the marriage are two children, Donna, 16, at Holton Arms, and Bobby, 14, at Landon School, and a comfortable home in Westmoreland Hills where the Larrabees give some of the best parties around.

THE PRESIDENT'S RIOT INSURANCE PANEL SUBMITS EXCELLENT REPORT

Mr. SMATHERS. Mr. President, the report of President Johnson's Advisory Panel on Riot Area Insurance is a call to national action, to assure that businessmen and homeowners in our Nation's cities can secure adequate property insurance.

I have been greatly concerned about this matter ever since I introduced legislation along this line, identified as S. 1484, on April 11, 1967.

It has always been difficult for our urban core residents and workers to purchase adequate insurance protection—regardless of their personal character or business achievements. But since our recent civil disorders, it has become virtually impossible.

However, adequate insurance coverage is a necessity for responsible property owners—particularly in riot-torn areas. The loss of home, business, or personal property, from natural disaster or from human hands, can bend the wealthiest man to his knees, let alone the slumdweller.

But insurance does not just protect the individual property owner; it also improves the entire community by providing incentives for property rehabilitation.

The President's Panel, composed of distinguished public officials and leading members of the insurance industry, has recommended a program to assure, in President Johnson's words, that "the property of businessmen and homeowners is adequately protected by insurance."

Federal tax measures will increase the capacity of the insurance industry to protect urban core properties. State and Federal insurance pools will supplement private coverage to assure fair access for protection for all. And private companies will be encouraged to hire urban core residents.

We must no longer turn our backs on the decent, law-abiding urban citizen who must face uncompensated property loss because of the misdeeds of a few.

The President's Panel has shown us the way. I anxiously await corrective legislation to follow this excellent report.

FACTS DEMONSTRATE NEED FOR DAIRY IMPORT ACT

Mr. PROXMIRE. Mr. President, once again, I must invite the attention of the Senate to the need to pass S. 612, my dairy import control bill.

The need is evident. Unfortunately, present legislation, section 22 of the Agricultural Adjustment Act of 1933, does not give the Secretary of Agriculture the ability to deal effectively with the ingenuity of foreign dairy importers. No sooner does the Secretary close one loophole than another one is invented.

History repeats itself. First, imports of Exylone—a butterfat-sugar mixture—were shown to injure domestic dairy farmers, and the product was placed under a quota. No sooner was the quota established than imports of Junex—another butterfat-sugar mixture—flooded the country. Again a quota had to be established. Now it is chocolate milk crumb—yet a third butterfat-sugar mixture—which threatens to inundate our dairy producers. In 1960, imports of chocolate crumb were only 54,000 pounds. This increased steadily until 1965, when 2,000,000 pounds were imported. Then, in 1966, we saw a dramatic increase of chocolate milk crumb imports to 6,500,000 pounds. This dramatic increase was again repeated in 1967, when imports zoomed to about 10,400,000 pounds.

Why must our dairy producers have to wait until a crisis already exists and then have to wait until the Secretary of Agriculture unlimbers the cumbersome apparatus of section 22 of the Agricultural Adjustment Act of 1933? Indeed, why should we force the Secretary of Agriculture to match wits with foreign dairy producers seeking to import their products into the United States?

Passage of S. 612 would solve all these problems. It would allow foreign dairy producers to share in our expanding market while permitting our dairy producers and farmers the prosperity they deserve. No longer would the Secretary of Agriculture be forced to resort to lengthy and cumbersome procedures of section 22.

NASA BUDGET REQUEST FOR FISCAL 1968

Mr. SPARKMAN. Mr. President, actions taken on the fiscal year 1968 budget request for NASA required the reduction, deferral, or cancellation of a number of important projects. These included the Voyager program, the NERVA II nuclear rocket, the Saturn V and Saturn IB launch vehicle programs and the Apollo applications program. Reductions in the "Administrative operations" account, which pays the salaries of the scientists and engineers and managers on the civil service payroll amounted to $43 million in fiscal year 1968. At the final appropriation level of $628 million, NASA was forced to reduce travel by 15 percent, to reduce paid overtime by 35 percent, to reduce all other administrative accounts 15 percent and, most seriously, to reduce its personnel complement by over 1,700 people.

These reductions, which came, ironically, at a time when the heavy flight schedule in manned space flight is just approaching, are difficult to make. In fact, NASA has not yet completed all the necessary actions to come down to the appropriated level this year, and has had to reprogram already scarce research and development funds in order to absorb the effects of the pay raise passed last fall.

The "Administrative operations" account for 1969 submitted for NASA this week by the President shows an increase of $20 million over fiscal year 1968. This increase is required almost entirely by the effects of the Federal pay raise and by actions taken to accommodate to issues raised by certain support service contracts administered by NASA.

In other words, the request for fiscal year 1969 will not permit rehiring of the people laid off by NASA as a result of the fiscal year 1968 cuts. Reductions in this account in the fiscal year 1969 budget can only lead to further layoffs—layoffs which would seriously hinder NASA's ability to carry out the Saturn I and Saturn V flights ahead and the manned Apollo missions in 1968 and 1969. I do not believe that this NASA account should be reduced, unless such a reduction can be more fully justified than earlier reductions have been.

PRESIDENT JOHNSON'S MANPOWER MESSAGE OFFERS PRACTICAL SOLUTIONS TO A DIFFICULT PROBLEM

Mr. SMATHERS. Mr. President, the President's message on manpower is a practical and realistic proposal for dealing with the hard-core unemployment problem. Business and government, working together, can rectify the missteps of the past which led to the creation of such a large pool of so-called unemployables.

All across America there is a sense of frustration, of alienation, by many people, particularly among the disadvantaged and the minority groups, who are oppressed by poor housing, low income and a lack of opportunity.

We must give these people a stake in our society, a feeling that they belong and that they and the community need each other. In Tampa last year, we saw how the sense of involvement can convert potential troublemakers into keepers of the peace.

In 24 hours, 136 unarmed Negro youths, called the White Hats, stopped a riot, simply by walking the streets and urging the rioters "to cool it."

As it turned out, many of the White Hats were unemployed and some of them frankly admitted that they had favored the riots at the outset. They decided to help only after the community appealed to them for help. They were given a sense of involvement.

Their first demand, once the riot was over, was for jobs.

Jobs, of course, are not the answer to riots. But I think we all recognize that a man who has steady work is apt to be more satisfied with the world he lives in. He is highly unlikely to be a candidate for the barricades.

I urge imediate favorable action on the President's new manpower proposals, which will help give the disadvantaged the education, training, experience, and skills they so badly need to enable them to achieve full and equal participation in natural prosperity.

THE 100TH ANNIVERSARY OF THE UNION CENTRAL LIFE INSURANCE CO. OF CINCINNATI

Mr. LAUSCHE. Mr. President, 1968 marks the completion of 100 years of effort which the Union Central Life Insurance Co. of Cincinnati has put forth for its policyholders and for the Nation. For a century this company, along with many others, has fulfilled at least two important functions in our society.

Charles W. Eliot, former president of Harvard, in his "The Happy Life," wrote:

> The security of the family is the prime object of civilization and the ultimate end of all industry.

Certainly, life insurance in a very real sense helps us to achieve that end. For through their application of mathematical skills, and their understanding of the financial world and other environmental factors, insurance companies can provide protection to the family by deciding today what will happen to a policyholder tomorrow based upon what happened yesterday to someone else. This is truly an important as well as an awesome feat.

Secondly, with the growth of extremely large insurance companies, a new challenge has presented itself to them as financial institutions. Union Central is the 13th largest life insurance company with assets of over $800,000,000, and with financial power of this size it shares in the responsibility for the fiscal stability of our Nation. Surely, Mr. President, without the large financial institutions helping to balance our economy, we would wander in chaos.

I congratulate Union Central on their fine achievements and wish them great success in their future endeavors in trying to achieve these goals.

DEATH OF RAY ERWIN

Mr. FANNIN. Mr. President, the journalistic profession has been saddened by the death of one of their outstanding colleagues, Mr. Ray Erwin, of New York City. His gems of wit and comments on the world of newsmen provided many with a lighthearted view of a most responsible vocation. In my opinion, he was most valuable in helping to maintain perspective among those who are so often called on to put things in perspective for others. I am sure he will be missed.

Mr. President, I ask unanimous consent that a summary of Mr. Erwin's life, taken from the pages of the New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAY ERWIN DEAD, EDITOR, COLUMNIST—WRITER AT EDITOR AND PUBLISHER HAD BEEN ON THE SUN

Ray Erwin, an associate editor of Editor & Publisher magazine, was found dead Sunday apparently of natural causes, in his apartment in the Henry Hudson Hotel. He was 62 years old.

For the last 15 years, Mr. Erwin wrote "Ray Erwin's Column" for Editor & Publisher, a weekly magazine of news about newspapers, advertisers and agencies. His column in the Jan. 20 issue contains such items as: "Frank Parry, Scranton Times, calls his column 'A Few Frank PARRYGRAPHS.' . . . The Miami Beach Sun calls its new Sunday magazine 'My Sun, The Magazine.' "

Mr. Erwin was born in North Wilkesboro, N.C., and began working for the weekly Wilkes Record as a printer's devil when 13 years old. He became city editor and then attended Davidson College.

From the late 1920's until 1940, Mr. Erwin was an editorials writer for The Charlotte (N.C.) Observer, worked for The Miami Beach Tropics and was publicity director for the Miami Beach Chamber of Commerce.

He wrote editorials for The Easton (Pa.) Express in 1941 and also started a Wilkesboro paper called Newsworld, which survived for two years.

In 1942 he came to The New York Sun as a rewriteman later becoming ship news reporter. When The Sun was merged with The New York World-Telegram in 1950, Mr. Irwin joined Editor and Publisher as a general assignment reporter. He began his column three years later.

Mr. Erwin's idol as a reporter was O. O. McIntyre, whose column, "New York Day by Day," appeared in 550 newspapers before his death in 1938. When Editor & Publisher occupied offices in the old Times Tower, now the Allied Chemical Tower, Mr. Erwin's desk area was filled with mementos of Mr. McIntyre.

A bachelor, Mr. Erwin was long active as manager for Police Athletic League teams for underprivileged boys. He especially enjoyed encouraging boys to higher education or artistic endeavors.

He was an organizer of the Civil War Round Table, a collection of buffs, and a member of the Deadline Club (the New York chapter of Sigma Delta Chi, the professional journalistic fraternity), the Newspaper Reporters Association of New York City and the Silurians, an organization of veteran newspapermen.

There are no immediate survivors.

Burial will be Thursday in North Wilkesboro, where Mr. Erwin maintained the family home. A memorial service will be held here at a later date.

INSURANCE CRISIS IN THE CITIES

Mr. PERCY. Mr. President, the long awaited report by the President's National Advisory Panel on Insurance in Riot-Affected Areas has just been released. The report entitled "Meeting the Insurance Crisis of Our Cities," has brilliantly outlined the problems faced by homeowners and businesses alike in many urban areas in their attempt to obtain adequate insurance protection. Richard J. Hughes, Chairman of the Panel, and his fellow members deserve our thanks and appreciation for undertaking the study and for their new and fresh approach to the problem. Their recommendations are meaningful, realistic, and fair. I hope the Congress will give the study and its conclusions expeditious consideration.

The Federal Government's recognition of a problem and its coming forward to set up an insurance system to help alleviate the problem is not new in our history. The Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation were established after the bank and saving and loan association failures during the 1930's jarred the confidence of the public and threatened to undermine the entire financial structure of the Nation. The depression years also spawned the Federal Housing Administration which was established to insure creditors against mortgage losses. The Price-Anderson Act of 1957 established a cooperative industry-Government insurance program to insure against nuclear catastrophes. Congress adopted a program of foreign credit insurance to provide insurance against unfavorable political action by a foreign government. All of these programs have been successful and have greatly aided the economy of the country.

Now, however, the Nation faces a new and equally grave problem—the unavailability and high cost of property insurance in the core areas of our Nation's cities. The riots and high crime rates in the cities have aggravated this problem to emergency proportions. We must all work together in finding the solution to this problem.

I have long been concerned about the unavailability of insurance in urban areas. Last year, along with the distinguished senior Senator from New York [Mr. JAVITS], I sponsored legislation to establish a small business crime insurance program by helping the private insurance companies pool their risks. The Small Business Subcommittee of the Senate Banking and Currency Committee on which I am proud to serve as ranking minority member, has held hearings on crime insurance legislation and in October reported out a clean bill enabling the Small Business Administration to set up a crime insurance program. While the subcommittee has given a great deal of thought to the subject and has come up with a good bill, I do think we should re-

consider the bill in light of the Panel's recommendations. The Panel makes five major recommendations, two of which will require Federal legislation. The Panel recommends that—

First. The insurance industry establish voluntary plans in all States to assure all property owners fair access to property insurance.

Second. The States cooperate with the insurance industry by organizing insurance pools and taking other steps to facilitate the insuring of urban core properties.

Third. The Federal Government enact legislation creating a National Insurance Development Corporation to assist the insurance industry and the States. Through the NIDC, the State and Federal Governments can provide backup for the remote contingency of very large riot losses.

Fourth. The Federal Government enact tax deferral measures to increase the capacity of the insurance industry to absorb the financial costs of the program.

Fifth. Other steps be taken to meet the special needs of the inner city insurance market.

I am pleased to see the cooperative spirit of this new proposed program. All groups, private and public, must work together to solve the problem; everyone must contribute, no one should escape responsibility. I am also pleased to see that the Panel recognizes the insurance problem is serious for homeowners as well as businesses. For over a year I have worked with the insurance industry to attempt to set up an insurance program for low-income homeowners in urban core areas. I know that the industry is interested in solving this problem and that they have already given much of their thought and energy to seeking new ways to approach the matter. Lastly, I was pleased to note that the Panel's recommendations cover all forms of property insurance, that is, fire and extended coverage as well as vandalism, burglary, and theft. Fire insurance is also a major problem and, to date, has not been given the attention it deserves.

I do have some questions about several of the Panel's recommendations and would want to study in greater detail certain alternatives. For example, the Panel recommends that funds which are put aside for reserve contingencies and are thereby subject to tax deferral, be invested in special interest-free, nontransferable U.S. Treasury securities. I would like to investigate the possibility of investing these reserve funds in the cities. Any interest or profits gained by such investments would simply be added to the reserve fund. Urban problems are the reason for such a program and urban citizens pay for the insurance. Therefore, it might be more equitable that the urban areas benefit from the use of the reserve funds. I believe a system could be worked out which would not present an undue risk to the insurance fund, but would provide great help to the cities in their renewal efforts.

In summary, let me emphasize my general support for the comprehensive program which the Insurance Panel has recommended. I am confident that when we solve this problem we will have taken an important step in the direction of revitalizing our cities. The members of the Panel put the matter in perspective when they said:

> Without insurance, buildings are left to deteriorate, services, goods, and jobs diminish. Efforts to rebuild our nation's inner cities cannot move forward. Communities without insurance are communities without hope.

COMMANDER BUCHER OF THE "PUEBLO"

Mr. BREWSTER. Mr. President, the seizure of the U.S.S. *Pueblo*, its skipper, and its crew is an act of piracy almost without precedent in our history. That we cannot tolerate this action and must secure the return of our ship and our men goes without saying.

The urgency of our situation is underlined by the human anguish it involves.

I read this morning in the New York Times a profile of the *Pueblo's* skipper, Comdr. Lloyd Marvin Bucher. The article, which relates the high quality of Commander Bucher's past service, illustrates the human side of this crisis.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SKIPPER OF THE "PUEBLO": LLOYD MARVIN BUCHER

Soon after the word spread last week that Comdr. Lloyd M. Bucher's ship had been captured by North Korea, the telephone began to ring in the San Diego hotel where his wife is staying.

From all over the country and from overseas, the calls came from former crew members of the Ronquil, the submarine on which Commander Bucher had been executive officer. The calls, expressions of sympathy and moral support, were an indication of the loyalty the men felt for Commander Bucher, according to Lieut. Comdr. Alan Hemphill, who was the third officer of the Ronquil. "Anything he wanted, his men delivered," said Commander Hemphill. "I and all the others in the crew were proud to work with that man."

Enlisted men who served under him would ask for transfers so that they could follow Commander Bucher when he was assigned to a new station, Commander Hemphill said.

Lloyd Marvin Bucher (pronounced BOO-ker) had wanted to be a Navy officer since anyone could remember. At Boys Town, the Nebraska home for orphaned boys where he was brought up, the director, Msgr. Nicholas H. Wegner, remembered that the youth had been "crazy about the Navy."

ENLISTED IN 1945

He was in Boys Town from 1941 until 1945, when he left to enlist. After two years, during which he became a quartermaster second class, he returned to Boys Town and graduated from its high school.

He played varsity tackle on the Boys Town football team, picking up the nickname Pete after a professional athlete of the mid-forties whose aggressive style he was thought to emulate. No one at Boys Town could recall the identity of the athlete yesterday, but they did recall the dynamic Bucher style.

At the St. Joseph's Children's Home in Culdesac, Idaho, where he spent some of his elementary school years, the nuns recalled that his favorite sport was basketball. They said that he had been an "A to B student, athletically inclined, a hard worker, a very nice lad."

He was born Sept. 1, 1929, in Pocatello, Idaho. School records show that he was adopted by a family named Bucher, then was orphaned while still in elementary school. He was sent from the Boise Children's Home to the St. Joseph's home in 1938, when he was in the sixth grade. The nuns there arranged to have him go to Boys Town for high school three years later.

Commander Bucher often spends his free time camping, hiking in the woods, collecting rocks or in fresh-water fishing. He is a muscular, athletic-looking man, 5 feet 10 inches tall and 195 pounds, with a booming, cheerful voice.

He is described as a voracious reader. He will read, friends say, "anything that's handed to him," from paperback Westerns to Shakespeare. His favorite magazines are The National Geographic and The National Review, the latter because he enjoys the way its editor, William F. Buckley Jr., writes.

MET ON BLIND DATE

After high school, Commander Bucher went on to the University of Nebraska, majoring in geology. He met his future wife, Rose Dolores Rohling, a University of Missouri student, on a blind date during a football weekend. They have two sons, Mark, 15 years old, and Michael, 13.

In June, 1953, he was commissioned in the Navy.

Early in his naval career he attended the Officers' Combat Information Center in Glenview, Ill., but most of his subsequent duty was on submarines.

He was at the Yokosuka, Japan, Naval Station for about two years before he was assigned to command the Pueblo, which was commissioned on May 13, 1967. There was a delegation at the commissioning ceremony from Pueblo, Colo., and Monsignor Wegner was there from Boys Town.

"Pete gave a short speech," the Monsignor said yesterday, "and when he mentioned his own background at our Boys Town, there were tears in his eyes."

Mrs. Bucher and their two sons went to San Diego with him when the ship was taken there last September for a shakedown cruise. The commander was scheduled to leave the ship in the spring for new duty in the United States, so the family stayed in the Mission Bay Hotel in San Diego when the Pueblo left last November for the tour that ended with its capture last week.

The North Korean report that Commander Bucher had confessed to conducting "espionage activities" was difficult for those who know him to believe.

His voice is described as expressive. The broadcast voice reading the so-called confession was flat. And no one who knows him can imagine Lloyd Bucher giving in to anyone.

"Pete Bucher?" said Monsignor Wegner. "There's one trait above all his others. He'll never quit."

PENNSYLVANIA MOVES FORWARD IN VOCATIONAL EDUCATION

Mr. SCOTT. Mr. President, I am pleased to report that Gov. Raymond P. Shafer yesterday signed into law legislation to spur the construction of vocational-technical schools throughout Pennsylvania.

The legislation—H.B. 1904—which was part of the Shafer administration's legislative program—raises the limitation on the State's reimbursement of cost to school districts for vocational-technical school construction from $20 million to $40 million a year. Governor Shafer said:

> Under the $20 million limitation, we faced the possibility that many school districts would delay construction of these badly

needed schools where our children will learn the skills our modern industries must have to operate.

These schools are an important part of Pennsylvania's future attraction as a good place for industry to locate. Without them, we will have a difficult time attracting new industries and helping our loyal industries expand.

Skilled manpower is one of the largest problems facing our industrial growth in Pennsylvania today. There are thousands of jobs available while thousands of our workers remain unemployed or underemployed.

The Governor further declared:

With this new law, it is possible that Pennsylvania will have 33 area vocational-technical schools under construction by June of next year. This is in addition to the 28 that are already in operation.

I want to take this occasion to remind all Pennsylvanians who are vitally interested in our manpower development program that six of these schools were constructed during the past year and 18 in the four years of the Scranton Administration.

This legislation was so vital because the $20 million limitation was keeping a lid on these dramatic and absolutely essential expansion, which is hitting its peak in fiscal 1966–67 and 1967–68.

This act puts a new lease on life for vocational education.

Governor Shafer pointed out that under the provisions of present law the State reimburses school districts for approximately 45 percent of the rentals on new buildings constructed by the State public school building authority.

He listed the following area vocational-technical schools as being under construction or in the planning stage:

Schools bid and under construction, 1966–67—average total cost of project, $3.2 million:

Lebanon County, Pittsburgh, Crawford County, Erie County, West Side—Luzerne County—Delaware County No. 1, Delaware County No. 2, Delaware County No. 3, Schuykill County—North—Juniata-Mifflin, Berks County East, Berks County West, Schuylkill County—South—Forbes Trail, Reading-Muhlenberg, and Centre County.

Schools bid and under construction—1967–68—average total cost of project, $4.5 million:

Parkway West—Pittsburgh—Middle Bucks County, Northern Chester, Columbia-Montour, York County, Venango County, and Northern Allegheny—A. W. Beattie.

Schools in advanced planning stages—1967–68—average total cost of project, $4.7 million:

Jefferson County-Du Bois, Clearfield County, Bradford County, Franklin County, Greene County, Indiana County, Eastern Northampton, Dauphin County, Bethlehem area, Hazleton area, Greater Johnstown, Lancaster County—Willow Street, Mount Joy, Brownstown—Lehigh County.

I salute the Shafer administration for its constructive efforts to strengthen the Commonwealth's system of vocational education.

GOOD ASPECTS OF L. B. J. BUDGET

Mr. PROXMIRE. President Johnson is to be commended for many aspects of his budget message. For one thing, the economies that he was able to achieve in this new budget are most welcome. Second, I am delighted to see that he has adopted most of the recommendations of the Kennedy Commission, with the result that the budget is a much more unified and less confusing document than it has been in the past years. Let us hope that the era of the "three budgets" is a thing of the past.

Another recommended change that may receive less attention because it is somewhat technical is the news that the Water Resources Council is working toward the goal of better techniques for discounting public projects. The budget message says:

The Water Resources Council is developing a more appropriate interest rate to be applied in formulating and evaluating water projects. The revised rate will be related to the average estimated current costs to the Treasury of long-term borrowing. It will be higher than the rate now in use for project evaluation. The new rate will be applied to future projects in order to assure the most effective use of Federal funds in the development of the Nation's water resources.

This move by the administration to change discounting techniques will ultimately save taxpayers billions of dollars. The sooner the discount rate can be altered, the sooner will we begin to achieve true economy in government. I salute the President for this action, and I am sure that with strong administration backing our goals of more rational budgeting procedures will become a reality in the near future.

This reform conforms with the recommendations of the Joint Economic Committee's Subcommittee on Economy in Government, which I have the honor to chair. As I have had occasion to point out to this body before, present policies for evaluating public works need a quick and substantial adjustment. I recommend that both Congress and the executive branch work together to achieve that adjustment. The President's action will certainly help tremendously to that end.

Yesterday the Economy in Government Subcommittee held hearings on this discount rate issue. The subject of this hearing was a study made by the General Accounting Office investigating the extent of type of discounting now carried on within the Government. The subcommittee heard Comptroller General Elmer B. Staats testify that only 10 of 23 agencies queried now employ discounting, but that another eight plan to do so for forthcoming budgets. Mr. Staats also said that interest rates currently used vary from around 3 percent to as much as 12 percent, depending upon the agency and program in question. With such variance in both the utilization of discounting and the rates used in the analysis, Mr. Staats recommended that reform and standardization measures be undertaken as soon as possible. The budget message and the GAO report each represent significant advances in this crucial policy area.

I ask unanimous consent that a statement by the Comptroller General of the United States, Elmer B. Staats, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES, BEFORE THE SUBCOMMITTEE ON ECONOMY IN THE GOVERNMENT, JOINT ECONOMIC COMMITTEE, ON ECONOMY IN GOVERNMENT

Mr. Chairman and Members of the Committee, I am pleased to appear before your Subcommittee to discuss the results of our recent survey of the use by Federal departments and agencies of the discounting technique in making evaluations of future programs. Our report on this survey is being submitted today to your committee in accordance with your request of December 19, 1967.

We have noted with interest the work your committee is doing to establish a more effective basis for evaluation of the economics of Government programs. We welcomed the hearings you conducted in September 1967 on the subject of the Planning-Programming-Budgeting System and we have read with great interest your statement on discounting in the report on those hearings.

The General Accounting Office has also been interested in the subject of PPB, and specifically the discounting technique. We recently conducted a survey of 23 selected Federal agencies to obtain information on the use made of the discounting technique in making evaluations of their future programs. I share your views that discounting is a matter of increasing importance as the use of PPB causes us to look further into the future at alternative programs. This is so because by the technique of discounting the amounts of estimated future costs and benefits are stated in terms that are comparable to present costs and benefits. The discounting technique does this by the application of a compounded rate reflecting the costs of money.

Federal agency programs generally involve a series of annual costs and a flow of benefits over time. Calculation of the present values of costs and benefits through discounting makes possible a comparison of alternative programs in terms of a ratio of benefits to costs, which gives consideration to the time periods in which benefits will be realized and costs incurred and the time value of money.

The discounting technique can be helpful to the decisionmaker even in those cases in which the benefits associated with programs cannot be measured in dollars. Here, the present values of the costs of the programs can be presented to the decisionmaker for his decision as to whether the perhaps dimly perceived benefits are worth their costs.

Before commenting on the specific aspects of our survey, I would like to discuss our conclusions at this time so you may consider them in the light of what our survey has shown. Many Federal agencies have made good use of the discounting technique in evaluating individual projects. By applying the discounting technique to alternatives within a single program, the agencies have been in a better position to select the most economical alternative.

In our opinion, however, there is even a greater need for a consistent discounting policy when decisionmakers must choose from many competing projects, either within an agency or among agencies. This calls for a common standard, with justifications for variations only in special circumstances. Although some agencies indicated that the discount rate is viewed as an aid in choosing between programs within an agency, there appears to be little recognition in practice that this kind of evaluation of Federal programs calls for a common yardstick for use by all agencies.

Our study brings out the significant impact on benefit/cost ratios of discount rate variations. For example, a proposed program showing a benefit/cost ratio of 2.0 without discounting might have a benefit/cost ratio of only 1.1 if costs and benefits were discounted at a 10 percent rate. Our survey has disclosed variation in the discounts ranging

from about 3 to 12 percent. This sort of reduction in benefit/cost ratios as a result of discounting would be characteristic of many projects because the high initial investment costs are not reduced and, therefore, become greater in relation to the future annual costs and annual benefits.

In our opinion, the general acceptance of the technique of discounting by Federal agencies should be supplemented with improvements necessary to bring about consistency in and among agencies in the discounting rates used, and in the techniques and underlying concepts employed. We believe such improvements are needed if this aid is to be of most effective use to the agencies, the Bureau of the Budget, and to the Congress in its evaluation of executive agency programs submitted for consideration.

We believe that improvement in the direction suggested will still require a substantial amount of additional study. We have received statements from several Federal agencies in which they express recognition of the need for standardization and offer to work with us on further studies.

With these conclusions in mind, I would now like to describe the highlights of our survey.

Our survey of 23 Federal agencies disclosed that there is a variety of policies and practices for the use of the discounting technique.

Ten of the 23 agencies used the discounting technique in evaluating their fiscal year 1969 programs.

Eight of the 23 agencies did not use the technique for evaluating 1969 programs but plan to do so in the future.

Five of the agencies do not use discounting and did not state that they plan to do so in the future.

The ten agencies that use the discounting technique cite a variety of rationales as support for the discount rates they use, which vary from about 3 to 12 percent. As an example, the Office of Economic Opportunity has used rates of both 3 and 5 percent to evaluate its Job Corps and Upward Bound programs and has used a rate of 5 percent for the Family Planning program. The stated rationale for selecting these rates was that they were safely on the conservative side for estimates of this type and gave consideration to the secular growth in the price of quality-constant labor.

The General Services Administration used a rate of 4.5 percent in its analyses leading to the decision to request funds to buy sites for additional buildings for its fiscal year 1969 Facilities Program. The 4.5 percent was selected as an estimate of the long-term productivity of capital.

We were advised by the Department of Transportation that for fiscal year 1969 programs discounting was used only in the consideration of three investment programs of the Federal Aviation Administration: facilities and basic systems, radar components, and en route automation. A rate of 4.2 percent was chosen because this was approximately the discount rate (4.25 percent) of the Federal Reserve Board at the time the studies were undertaken. The Department acknowledged that some of its other programs may appropriately be suitable for discounting. The Department stated that complete analytical studies are made on a selective basis and discounting was considered relevant only for the investment programs mentioned above.

The Agency for International Development uses discount rates which vary depending on the type of project, the opportunity cost in the particular country, foreign exchange scarcity, and other factors. In a recent evaluation of a power plant project, a discount rate of 8 percent was used as representative of the opportunity cost of money in the country concerned. In evaluating highway projects in other countries, discount rates of 8, 10, and 12 percent were used.

The Department of the Interior uses several different discount rates in its evaluation of programs. The interest rate specified by Senate Document 97, which was 3⅛ percent, was used to evaluate long-term Federal investment programs in water and land resources. In utility-type programs 6 percent was used as representative of such programs where the risk is considered to be relatively low. A 12 percent rate has been used by the Department of the Interior in its evaluation of certain research and development programs, such as energy and mineral resources, where exploitation, production, and processing is considered to be a private rather than a public function.

The Atomic Energy Commission reported that it used several rates. For its analysis of fiscal year 1969 production of special nuclear materials activities, the discount rate used was 5 percent; however, analyses were also made using rates of 7.5 and 10 percent to test the sensitivity of the analyses to the discount rate. The 5 percent rate was selected because it was a conservative estimate of the cost of long-term borrowing by the Department of the Treasury. In the Commission's reactor development studies, discount rates of 5, 7, and 9 percent were used since rates of 6 to 7 percent are typical of those used by investor-owned utilities.

Mr. Chairman, I believe these examples bring out rather clearly the variety of discounting rates and rationales used by individual Federal agencies in evaluating their programs. Our report summarizes more completely the information that we obtained from the 23 departments and agencies.

On the basis of our survey, it is evident that there is little agreement among the agencies as to the rationale that should be used to determine an appropriate discount rate. There has been no central guidance to the agencies on this matter and, except for those programs which concern water and related land resources projects, the agencies have been free to choose whatever discount rate or rationale they considered appropriate. The rationales described to us and the variety of rates used clearly do not evidence a common understanding by Federal agencies of the applicability of the technique to Federal programs.

In those agencies that did not use discounting in their analysis of fiscal year 1969 programs, there is also a lack of agreement. At one extreme is the view taken by the Department of Labor that its Manpower Development Assistance program could be evaluated in terms of a one-year horizon even though program benefits are expected to continue for five to twenty years, depending on occupations for which training is carried on. The implication here is that a very high discount rate is applicable since benefits beyond the first year are ignored.

At the other extreme is the practice of making evaluations on the basis of total undiscounted costs and benefits over the life of a program. This procedure implies a zero discount rate since the dollar costs and benefits estimated for future years are given the same importance as current costs and benefits. The National Aeronautics and Space Administration, the Department of Housing and Urban Development, and the Department of Commerce are among the important agencies that did not use discounting in their evaluations of fiscal year 1969 programs. As noted in our report, 13 of the 23 agencies we surveyed did not use discounting.

The fact that 18 of the agencies included in our survey either use or plan to use discounting is, we believe, an indication that the technique is receiving increasing acceptance in Federal agencies as an important aspect of the decision making process. Several of the agencies advised us that one reason that they have not used discounting in the past was that their analyses were not developed sufficiently to permit discounting. Presumably, they will use discounting in the future.

There are several schools of thought followed by the various agencies in determining their particular discount rate. Two of these schools of thought appear to be predominant although there are various interpretations in actual practice.

One school of thought holds that the rate should be determined by and be equal to the rate paid by the Treasury in borrowing money. A second school of thought holds that the rate should be determined by what is foregone, namely, the return that could have been earned in the private sector of the economy when the decision is made to commit resources to the public sector.

Neither school of thought provides clear guidance on the specific discount rate which should be used. Cost to the Treasury, for example, will vary depending upon the definition applied, from 3 to 8 percent or more. The average rate of return in the private sector also varies depending upon historical periods selected and upon the weighting of the various segments of the private sector which are used in computing an average.

A discount rate of slightly over 3 percent is the cost to the Treasury, if based upon the average rate payable on outstanding United States securities having maturity of 15 years or more, as prescribed by Senate Document 97. The rate determined by the procedure prescribed in Senate Document 97 is at the low end of the range of rates in use by the agencies and therefore may be an overly conservative estimate of interest costs on Government borrowing.

Long-term rates show no sign of returning to the level of 10 or 15 years ago. Furthermore, the legal restriction on long-term interest rates has forced a substantial amount of refinancing of the public debt through the sale of higher yield short-term securities. It, therefore, appears to us that the current average yield rate reported in the Treasury Bulletin is a better basis than Senate Document 97 for determining interest costs. In this connection, we have noted with interest that your committee has requested the views of the Water Resources Council on the propriety of the discount rate determined under Senate Document 97.

A variation, which we believe has considerable merit, on the pure interest school of thought is to include the effect of foregone Federal taxes which would be collected from the private sector if the same funds were invested there.

As brought out in our report, if the full costs of borrowing, including an estimate of foregone taxes from the private sector, are considered, the difference between the various schools of thought is narrowed substantially. If this concept is accepted, it would appear that there is a good possibility of a satisfactory reconciliation of varying points of view regarding the rate to be used.

To conclude, Mr. Chairman, we believe that the results of our survey of Federal agency practices suggest that the case for discounting is being accepted, but that there are significant differences of opinion in the agencies over the appropriate discount rates to be used. Because of the wide variation in discount rates and techniques being used by the executive agencies to evaluate and justify their programs and because there is strong impetus to use of the discounting technique provided by Federal agency adoption of planning-programming-budgeting systems, we believe that centralized guidance is needed. The Congress itself may wish to provide guidance to the executive agencies on this important topic.

This concludes my statement, Mr. Chairman. We will be glad to answer any questions you may have.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 705, H.R. 2516.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, it has been my pleasure and honor to be a Member of this body for more than 31 years as a Senator from the State of Louisiana. I do not recall any session since the 75th Congress wherein some effort was not made to enact a so-called civil rights bill. It was more or less a political football that was used in order to excite the voters, and particularly the colored voters, as to who would do more for them.

In the past 8 or 10 years, the Senate has passed quite a few laws dealing with civil rights. First, voting rights were assured by the passage of an act in 1957, although the Constitution provided that any citizen was entitled to vote if he registered in accordance with the laws of the State wherein he resided.

There is no doubt that some States devised ways and means to try to keep colored people from voting. As time went on, however, all States, with the exception of four, I think, have enacted laws to make it easier and easier for the citizens of all States, irrespective of their color or religion, to vote. Today, there are no States in which Negroes are denied their right to vote. I know that in my State, when I was a member of the Louisiana Legislature, back in 1932, I fostered and voted for a bill to do away with the poll tax as a prerequisite for voting. I do not know of any concerted effort being made to prevent Negroes from exercising their right to vote at the polls.

In addition to the laws being passed to make it easier for Negroes to vote, many other laws were enacted—one in 1960, another in 1964, and another in 1965. All of these laws outlined certain rights which the proponents of the bills asserted should be incorporated in legislation and should be properly enforced. All of those laws contain penalties for anyone violating them, or anyone attempting to infringe on the rights given under those laws. Many of the penalties were severe, entailing from $1,000 up to $10,000 for a violation, with severe jail penalties.

Mr. President, I am not going to take the time of the Senate to enumerate what the penalties are. It seems that some leaders in the field of civil rights are trying to find ways and means to have self-operative laws so that one who is denied or not given his civil rights should not have to go to court in order to assert them, but should have them automatically.

Notwithstanding the fact that Congress has, since 1957, enacted many laws proposed by those who desire to protect the civil rights of Negroes and other minorities, the demand is for still more.

When the first bill was passed, it was alleged that those who were protected did not have the funds to go to court and have their rights protected. So, as time went on, we provided in the acts that the Attorney General of the United States would have the obligation to prosecute in behalf of those who did not receive or were not accorded their civil rights in any State in the Union.

We established a Commission on Civil Rights in order to study many of the cases which were presented to it, in order to take action, if necessary, by the proper prosecuting authorities.

Notwithstanding the fact that the Commission was created, and notwithstanding the fact that many lawyers were hired in order to assist in prosecuting those who refused to accord civil rights under the acts I have just mentioned, all of this was done free of charge for them.

As I recall, the Commission found very few cases to present to the Attorney General of the United States.

The proposed bill, H.R. 2516, seeks to give the Federal courts jurisdiction in cases which should be handled by the local courts.

This bill provides that the Federal Government can interfere whenever any of the rights of a member of a minority race, colored people, and so forth, has been interfered with by means of coercion or any action of that kind. Then the Federal courts can intervene, whether it is a Federal act or an act that should be tried by the State courts.

Mr. President, it is my belief that, even though this bill were enacted, Negroes or members of other minority races would not be able to get better rights than they are now obtaining under the law. I do not believe it can be repeated too often that this act is being directed solely and wholly to the Southern States. I think I may limit that to two Southern States—Alabama and Mississippi.

It is my considered judgment that what gave rise to this proposal were a murder in Mississippi, which remains unsolved, and three in Alabama that remain unsolved. The people who engaged in those atrocities have not been apprehended. Some time ago a charge of conspiracy was lodged against quite a number of citizens of Alabama, and many of them are serving terms in jail.

Mr. President, it may be that, in a few instances, the States did not do justice to those who were aggrieved or to those who suffered, but I do not believe the enactment of this law will correct the situation, so that we will have a more or less self-operating law and one under which the Federal Government will be able to prosecute acts of violence or acts denying civil rights to citizens, which should be tried in the State courts.

The bill goes far in that direction. It is my belief that there is sufficient law now on the statute books to remedy the situations complained of.

Mr. President, a cursory reading of this bill will show that it repeats all of the rights that have been accorded under the 1957, 1960, 1964, and 1965 acts, and also in previous legislation. It is one of those coveralls that would permit the long arm of Uncle Sam to reach into matters that are purely affairs of the States. This proposed act, with many others that have been passed in the last 10 or 15 years, goes far toward establishing a centralized government. I am opposed to that, Mr. President. It is my sincere belief that our country would never have grown to its present heights except for the fact that each State retained the right under the Constitution to pass its own laws governing the people within its respective jurisdiction.

If at the beginning of our Republic we had had a centralized government operating out of Washington, I am sure the progress made by our great country would not have been as pronounced as it is today. It is my belief that the more we sap away from the States their rights to handle their local affairs, the worse our condition will become.

Mr. President, I am sure that my good friend the Senator from North Carolina [Mr. ERVIN] is one of the ablest constitutional lawyers who serves in the Senate. I read with interest his conclusions as to the constitutionality of the pending measure.

This measure was voted out of committee by an 8-to-7 vote. In order to carry the day, it was necessary for one of the members of the committee to fly—I believe at Government expense—from London to Washington in order to cast a vote which made it possible for the Committee on the Judiciary to report this bill for the Senate's consideration.

AN ANALYSIS OF H.R. 2516—AN AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. President, the civil rights bill, if adopted, would amend title 18 of the United States Code, making it a Federal crime for any person to interfere with or injure any other person engaged in civil rights activities, those activities being specifically enumerated.

As I have stated, those activities, those rights, are all enumerated in the many laws that have been enacted by Congress, not only since 1957 but for 80 or 90 years past. Here we are being asked to put a law on the statute books which would bypass the 14th amendment, and give the Federal Government the right to interfere in prosecutions which should be in the hands of the States. This bill would make it a Federal crime, whether or not the guilty party was acting under

color of law. A list of proscribed activities are enumerated, including interference with voter registration, which is included in the act of 1957, as I have pointed out; integration of public schools; public accommodations, which is included in the acts of 1960 and 1964; employment; jury service, included in the acts of 1964 and 1965; use of common carriers, which has been on the statute books for quite a long time; and other such activities.

But all of those activities, Mr. President, are described in the many laws to which I shall refer later; and for the violation of those laws, adequate punishment is provided for those who disobey.

The main thrust of this bill is to attempt to circumvent the plain provisions of the 14th amendment to the Constitution which require some form of State action before there can be a violation of the equal protection clause in that amendment. All of the civil rights laws enacted by Congress have had their foundation in the 13th, 14th, and 15th amendments to the Constitution. Although the interstate commerce clause has been used to further civil rights, the primary constitutional bases for all the Civil Rights Acts have been these post-Civil War amendments. It has been well established that the 14th amendment requires State action, and that private acts are not included within the protection granted by the amendment. The Supreme Court has uniformly upheld this requirement.

The Supreme Court, however, has clouded the issue of State action and private action and private conduct in one of its recent decisions. In the case of *United States* v. *Guest*, 383 U.S. 745, it reinstated the indictment and case against Guest and several other defendants. Although there was no showing that Guest or the others were State officials or acting under color of State law, there was an allegation in the indictment that the State was involved in the conspiracy to deny Lt. Col. Lemuel Penn his civil rights. The Court held that since the indictment contained an allegation of State involvement, it was sufficient to deny a motion to dismiss the charges. The Supreme Court reiterated the established rule, however, that the equal protection clause still offered only protection against State acts or those acting under color of State law. The Penn case involved the crime of conspiracy rather than a crime involving an overt act. In other words, the defendants in that case were convicted of conspiracy to deny to the victim the rights guaranteed to him by the laws and Constitution of the United States. It is easier to convict a person of the crime of conspiracy rather than an overt crime. The reason is that there need not be any actual carrying out of criminal conduct to a conclusion, but only proof that the defendants conspired to do so.

The sponsors of this year's civil rights bill attempted to circumvent the provisions of the 14th amendment requiring State action by simply saying that "whoever, whether or not acting under color of law," and so forth, are guilty of this new Federal crime. Some Justices of the Supreme Court indicated in the Guest case, in concurring opinions, that Congress could, under section 5 of the 14th amendment, enact a law which would cover private acts as well as State acts. We, of course, hold that Congress cannot constitutionally legislate against acts of private individuals under the 14th amendment to the Constitution. Section 5 of the 14th amendment merely says that Congress shall have power to enforce by appropriate legislation the provisions of this act or amendment. It seems to me to be perfectly clear that since section 1 of the amendment reads, "no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law," that Congress is prohibited from enacting the present bill into law.

I shall now read a few excerpts from a masterly minority view expressed in the report to Congress on this bill presented by the Senator from North Carolina [Mr. ERVIN]. In his minority view, he discusses the 14th amendment, its application, and the many decisions that have been passed upon by the Supreme Court. He cites in detail the so-called United States against Guest proposal, and in that case he points out that some of the citations and quotations used by the proponents of the pending legislation were taken not from the majority decision, but from the dissenting opinions rendered by some of the Justices. I am certain that every lawyer knows and understands that any decisions of the Court must be based upon a majority ruling of the Court in order to be valid.

I now read from the additional views of Mr. ERVIN, on page 22 of the committee report:

> No clearer language could be found to express the idea that the only power of Congress under section 5 is to enforce the prohibitions which the 14th amendment imposes upon State action.
>
> In the case of *United States* v. *Guest, et al.*, 383 U.S. 745, Mr. Justice Stewart cites the *Civil Rights* cases, 109 U.S. 3, in support of the Court's decision. That case stated, starting at page 10:
>
> "The first section of the 14th amendment (which is the one relied on), after declaring who shall be citizens of the United States, and of the several States, is prohibitory in its character, and prohibitory upon the States. It declares that:
>
> " 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'
>
> "It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws.
>
> "It not only does this, but, in order that the national will, thus declared, may not be a mere *brutum fulmem*, the last section of the amendment vests Congress with the power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition, to adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts, and thus to render them effectually null, void, and innocuous.
>
> "This is the legislative power conferred upon Congress, and this is the whole of it. It does not invest the Congress with the power to legislate upon subjects which are within the domain of State legislation, but to provide modes of relief against State legislation or State action of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights; but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment.
>
> "Positive rights and privileges are undoubtedly secured by the 14th amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect: and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction, of their operation and effect."

That is one of the most recent decisions to be handed down by the Supreme Court. I say that the language shows, without a doubt, that it is only State acts that come within the purview of the 14th amendment.

There are quite a few other cases that my good friend from North Carolina [Mr. Ervin] cites in the minority views to uphold his position. I shall not take the time of the Senate now to read all of them. I simply say that the bill now before us is an effort by its proponents to give to the Federal courts jurisdiction of violations that are purely within the purview of State laws. Therefore, I am hopeful that the Senate will not pass the bill.

Mr. President, since coming to the Senate, I have participated in the debates that took place in this Chamber whenever civil rights bills were before the Senate. Every year, over a period of many years, it has been demanded of Congress that more and more civil rights laws be passed, for the avowed purpose of protecting the Negro in our society. It has been said, over and over again, that new laws are necessary, not merely to give the Negro a greater measure of equality, but principally for the purpose of putting a damper on violence within the Negro community. We have been told every year by civil rights leaders and the sponsors of such bills that such laws are absolutely necessary to remove contest and controversy from the streets and to put them in the courts.

The proponents of such acts, particularly the acts of 1960, 1964, and 1965, have said that their enactment was necessary to remove controversies from the streets and let them be tried in the courts. I have said, time and time again, that that is not true at all. The cause of violence is the complete disrespect for law and order, which large segments of the Negro community have adopted. This disrespect for law and order began several years ago, when the Supreme Court

and the Department of Justice condoned and encouraged the reckless disobedience of the laws of the Southern States.

Mr. President, as was pointed out yesterday, I understand that Dr. Martin Luther King is going to stage a march on Washington within the next 2 or 3 months. I shall watch this parade and find out whether or not the Attorney General and his hundreds of lawyers will take action to prevent violence in the streets of Washington. Of course, Dr. King has always prefaced his marches by saying, "It is nonviolent." But at all times violence did follow in the wake of the marches that were put on by Dr. King. This march on Washington will give us an opportunity to find out whether or not the Attorney General or the Federal Government will take action—not to prevent the march, but to prevent violence, riots, and what have you.

It was my privilege to visit parts of my State last year, a few months ago, and I found that what bothers the people of my State is not so much the Vietnam war, but civil disobedience and a lack of law enforcement throughout this land. It is my belief that that will be the No. 1 issue during the 1968 presidential campaign.

Unless something is done now to stave off these riots and the civil disobedience, matters can become much worse than they were last year.

Businesses were disrupted by the so-called "ins"—the sit-ins, pray-ins, love-ins, kneel-ins, and all the other "ins." Interstate highways were blocked to traffic in order that marchers and demonstrators could disobey the laws of Alabama, Mississippi, Louisiana, and other States. The FBI, Federal marshals, and Federal troops were used to assist in the lawbreaking.

This was all done under the guise of freedom of assembly and the petition for redress of grievances. State and local laws were trampled underfoot by the rabble-rousers who preferred the short-cut of "civil disobedience" to the orderly processes of the law. If changes were needed, there were methods for orderly and legal change. Civil rights leaders in the Federal Government chose what seemed to be the easy way out. They preferred to assert Federal superiority of force over local law and the sensibilities of local people.

All of this encouragement of lawlessness by the Federal Government and by the civil rights leaders, which began in the South, has now spread from one end of the country to the other.

The Federal Government can no longer control this violence. As a matter of fact, the bureaucrats in the Justice Department are now saying that law and order is a local matter. If they had taken that position 5 or 6 years ago, I doubt we would have the riots that have spread all over the country and which have made a mockery of our laws.

The Negro can no longer understand why he is not being supported by the Federal Government. He had violated the law before with Federal assistance and condonation, but now when he riots in Detroit, Federal troops move against him.

In the past few years, I have said on so many occasions that the enactment of civil rights laws would not take the controversy out of the streets that I have become hoarse from repetition. The insane reasoning of the past is largely responsible for the chaos which exists in our cities today.

If people lived in the slum ghettos in Chicago or Detroit and could not get adequate employment, the answer only a few years ago was to rope off the highway between Selma and Montgomery and stage a ridiculous march. The whole Nation today is reaping the whirlwind of this deception.

Mr. President, I would now like to quote from a few of my previous speeches and statements regarding lawlessness and enactment of civil rights legislation.

On April 13, 1964, I made the following statement, which is printed in the CONGRESSIONAL RECORD, volume 110, part 6, pages 7741–7742:

. . . Even if this bill which is before us is forced onto the statute books, the Negro leaders will not be content to take their grievances through the courts, which is the normal process even today. Instead, they would prefer to take it into the streets and into individual private businesses, just as is being done where such laws are already in effect. This method gains much more publicity and keeps the coffers full.

Mr. President, my prognostications have come to pass.

On April 29, 1964, I made the following statement, which appears in the CONGRESSIONAL RECORD, volume 110, part 7, page 10540, in the proceedings of that day:

. . . In my judgment, if it is enacted as written, it will cause more strife, more conflict, more resentment, and do far more harm than it does good.

Mr. President, that is another quotation from a statement I have made. Who is here to deny that statement? If there is anyone I would like to have him bob up and say so.

On April 30, 1964, I made a statement which is reported in the CONGRESSIONAL RECORD, volume 110, part 7, page 10582, follows:

. . . If they—

And I referred to the proponents of that bill—

are sincerely concerned with this issue, they should use their influence to bring about a better understanding between the whites and the Negroes.

This cannot be done by the use of the strong arm of the Federal Government. I predict that the passage of the bill will bring on more strife than now prevails in our country. It will widen the gulf of misunderstanding that now exists and further blunt the good relations that have existed in the South between the whites and Negroes over the years.

Mr. President, in the same year, 1964, I stated on June 13 in a radio speech that I prepared for delivery on station WWL, New Orleans:

I would now like to add that one of the most sorrowful aspects of legislation of this type is that it cannot help but tear down and destroy a great amount of good will between the races that has grown up over the years, particularly in the South. The ones who will be hurt most, in my opinion, will be the very persons that this bill is supposedly seeking to assist.

Mr. President, that statement was made by me 4 years ago and it is happening in just that way.

During the debate on this question, the sponsors of this legislation were fond of rising time and time again to state that it was urgently needed because of the great number of violent demonstrations which were sweeping the country, particularly the Northern cities. I predict that putting this bill on the statute books is going to promote an increase in violence rather than abate it. The agitators are going to discover that very little has been added to the measure that will actually solve their grievances, and they will doubtless continue to seek satisfaction in the streets. They will soon find that this bill is not the solution to their problems.

Mr. President, I would like to quote from a few more of my previous speeches and statements regarding lawlessness and enactment of civil rights legislation.

I stated as follows in a radio address over station WWL, New Orleans, on March 20, 1965:

I was most disappointed in the President's address to the Congress and nation last Monday night, on the subject of new voting rights legislation. I listened carefully to the President, and although he laid great stress on voting *rights*, I did not hear the word *qualifications* mentioned anywhere in his remarks.

This seemed very strange to me. The President and his advisers well know that the Constitution reserves to the states the right to establish voter qualifications. The Supreme Court has always respected this right of the states, and has required only that those qualifications established by the states be applied and enforced uniformly and without discrimination as to color, creed, and religion.

The Civil Rights Act of 1957 also dealt with voting rights. Its provisions were designed to implement the requirements of the 15th Amendment to the Constitution by giving Federal protection for voting rights, and attempts to abridge them a federal crime. The approach of this statute was to challenge through litigation the discriminatory use of voter qualification tests.

* * * * *

In those cases where the right is denied, the questions involved should be laid before the courts for proper adjudication. Indeed, one of the primary arguments advanced for the passage of the Civil Rights Act of 1964, against which I fought vigorously, was that it would ensure that the so-called "civil rights effort" would be taken out of the streets and placed before the courts of our land. At the time I stated that this would not be the case at all, and that the appetites of the demonstrators and agitators would be whetted by the passage of the Act. Only a few months' time has shown the correctness of this prediction.

CONGRESSIONAL RECORD, MAY 17, 1965

The bill was not conceived in the streets of Selma, as has been charged. Its effects were conceived in the minds of so-called civil rights leaders who knew that if they were to take charge of the political institutions of the South they would have to do so by overwhelming the duly constituted local governments by registering and voting masses of unqualified and semiliterate citizens. Negro agitators and demagogues herded huge groups of the unfortunate and uninformed through the streets of Selma for the specific purpose of tearing down law and order in that community. Week after week, they stormed the bastions of decency and responsibility, and finally achieved their goal of securing political leverage upon the Federal Government

which is to do the sordid bidding. They will never be satisfied until they have turned a law-abiding community—which no one ever heard of—into a jungle where anarchy becomes the order of the day. To manufacture an artificial crisis in an unsuspecting community, and to that add the unfortunate deaths of some misguided persons, is the stock in trade of these demagogues. What is it all for? The purpose of these demagogues is to appropriate the political processes by mob action. Can anyone witness the chanting demands for "freedom now," and like statements, and not identify them as mere slogans of the demagogues? Is the Senate to respond, as did the Chamber of Deputies, by throwing constitutional government to the howling mob?

The senseless march from Selma to Montgomery accomplished nothing of value. It was begun in violation of a Federal court order. King stated that the order was being violated because "we did not think it was legal." Have we arrived at the point where these new extremists may obey the laws of their choice and flout the rest?

Mr. President, that same Dr. Martin Luther King is supposed to march on Washington 2 or 3 months hence.

I am just wondering, what is going to happen?

A few days ago, I read an article published in the U.S. News & World Report that Dick Gregory, the comedian, is going to defy the delegates to the Democratic National Convention meeting in Chicago this coming summer.

I am just wondering, what is going to happen there, too?

It strikes me that instead of adding fuel to that fire, we should be busying ourselves enacting laws to prevent such action occurring in the streets.

But, no, we do not seem to be able to get a majority of Senators or Representatives to do that. They seemed to be scared to do so.

CONGRESSIONAL RECORD, MAY 26, 1965

Mr. President, as I said before, the passage of laws such as the pending voting rights bill can have no other effect than to further chip away at the respect for law and order, which is already in a bad state in this country. By passing this bill, the U.S. Government will be saying, in effect, that local laws do not have to be respected by anyone desiring to break them.

In this day and age, when the police power of the State is taxed to the utmost, we are doing a great disservice in furthering the principle of civil disobedience. Make no mistake about it—that is exactly what we are encouraging. This bill is a direct result of so-called civil disobedience in Selma, Alabama. The people who are responsible for the situation in Selma, Alabama, conducted their lawlessness week after week in open violation of every concept of public safety and good order. Ultimately they were victorious in getting the U.S. police and military forces into the dispute.

To go back a little, I hope Senators will not forget that this peaceful little community was posing no threat to anyone. The justifiable complaints which were filed in Federal Court were quickly adjudicated on the basis of evidence, and those complainants were duly and properly registered on the voting rolls of Alabama. All of this was settled quietly and peacefully in a duly constituted court of law. The problem arose, however, when the Negro agitators came into the community even after the adjudication of these grievances and conducted their street demonstrations supposedly for the purpose of achieving that which had already been granted. Of course, the real purpose was not to get people registered. It was to bring to bear national public opinion which had been distorted by these demagogues, on the State of Alabama and this local community, in order to displace the laws of that State. Most of their demands had been met, I was informed, but they did not leave; they continued to parade up and down the streets with their senseless chants of "freedom now."

RADIO ADDRESS OVER STATION WWL, NEW ORLEANS, JULY 2, 1966, "PEACE IN MISSISSIPPI"

On another domestic issue, I have received many letters from my constituents deploring the marching episode that has just been brought to a conclusion in Mississippi. I certainly agree that the march was deplorable, and I can only wonder what real good has been accomplished. I doubt very seriously that it can balance out against the strife and suffering that was caused. Hopefully, conditions will be able to settle down once again, and perhaps the worst of the much advertised long, hot summer is over, at least in Mississippi.

In any event, it is likely that the violent season is not over in other sections of the nation, particularly in the great cities of the north. I have often stated the belief that these marchers and agitators have no need to go so far afield to find things to demonstrate against. Most of them would do well to look in their own back yards.

Of course, the fact of the matter is that these marches and demonstrations do very little good, whether they occur in the North or South. Usually the reverse proves to be true, as I feel certain is the case in Mississippi. In any event, I believe that calm and reason should be allowed to prevail, and in no instance should violence be tolerated on either side of this controversy.

RADIO ADDRESS OVER KWKH, SHREVEPORT, OCTOBER 1, 1966

Concerning the first of those I mentioned, namely, the racial unrest in our great cities, I and other Southerners saw this situation coming several years ago. As a matter of fact, in 1964 and 1965, I predicted on the Senate floor that we of the South were likely to meet our problems with much less violence than would other sections of the nation. Of course, to expect violence is not to condone it, and after the vicious and comprehensive civil rights bill of 1964 was forced upon us, I called upon all citizens of the South to abide by the law of the land and forgo any acts of violence which might bring more troubles and even more federal interference down upon our people. With patience and understanding, I was certain that all of our problems could be worked out.

I got the plaudits of many leaders when I made that statement to the people of Louisiana. Even there they were ready and willing to proceed to obey the laws passed. But the demonstrations kept on, and I predict again they will still keep on whether or not the obnoxious bill we are now considering is passed. I think it will just make conditions worse.

You know, Mr. President, down South we have acted openly. We kept the law, until the Supreme Court reversed it in 1954. We had segregated schools—legal ones—but all of our acts were in the open. But up North, in the large cities, they practiced segregation just as much as was done in the South. The only difference was that it was under the table, not open. Of course, they denied they practiced segregation. I said on many occasions that many of the people of the cities of the North are now learning the evils of quick integration.

Continuing from my radio address over KWKH, I said:

I carried much the same message in 1965, when I led the fight against the flagrantly unconstitutional voting rights act, and I continued to speak my beliefs in this regard during my primary election campaign this last summer. I believe that history has proved and is proving the wisdom of this viewpoint, for as we all know, the South has been very quiet this summer, save for one or two isolated incidents such as occurred last month in Atlanta.

We cannot say the same for other sections of the Nation. Even as this address is being prepared, the National Guard has been called out to restore order and patrol the streets of San Francisco, and this is just the latest in a series of incidents which has swept the country from coast to coast. As I recently pointed out on the Senate Floor, when the Senate was considering other civil rights bills, so-called, we were given many assurances that the passage of these bills would have the effect of taking riotous demonstrations "out of the streets and into the courts." It seems, however, that legal processes move too slowly for many of these agitators, and they have remained as active as ever. They have changed their slogans, however, from "equality" and "freedom now," which they used so often against the South, to cries of "police brutality" and demands for "open housing."

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. . . the contest will be taken from the streets and resolved in the courts of this land.

Nothing has been further from the truth. Negro demonstrations and acts of violence have increased a hundredfold since 1957. I recall so clearly the claim of the sponsors of the Civil Rights Act of 1964 that if that measure were enacted it would have the same effect upon the Negro as the Wagner and Norris-LaGuardia Acts had on labor; in other words, the comparison was made between civil rights demonstrators and the rights of organized labor to picket. It was claimed that, since the enactment of these labor laws in the 1930's, there has been very little violence in labor relations. The proponents of civil rights laws claim that the same thing would occur in regard to Negro riots.

Mr. President, I could quote many more excerpts from speeches I have made on the floor in opposition to the civil rights bills, but we remember the representatives from the South were more or less ridiculed and told we did not know what we were talking about. Our country is now faced with a situation which is very grave. I am just wondering what is going to happen come next summer. With all of the troubles we are having in the Far East and other parts of the world, it would be cruel for our Nation once again to be confronted with such riots as took place in the North during last summer.

Mr. President, the pending bill is about as seasonable and as timely as 1960 campaign buttons. There is no doubt that the pending bill was conceived in the aftermath of the violence and tragic murders which occurred in one or two Deep South States several years ago.

Of course, that is the purpose of it. Mr. Doar, Assistant Attorney General, was quoted on several occasions. In his testimony he admitted that this bill is aimed solely at the South—class legislation.

As you will recall, in the early 1960's, it was fashionable for civil rights leaders, movie actors, politicians, and ordinary troublemakers to descend upon

southern cities and lead mass marches for the alleged purpose of achieving racial integration of certain public facilities. These marches and demonstrations were more often than not directed toward the wrong purposes, the wrong goals, and the wrong people. It was, therefore, no surprise that in the wake of these mass demonstrations and marches that counterresistance and opposition would develop. In a few instances, this did, of course, occur. However, to my knowledge, in more recent years there has been no violence directed toward any civil rights groups or persons acting in registration drives or other related activities.

If there were ever a case to be made for passing the bill under consideration, the time has long since passed. The shoe is now on the other foot. Violence is no longer isolated and directed toward a few civil rights workers. Today, violence is on a massive scale and it is perpetrated by some of the same civil rights leaders who only a short number of years ago were considered national heroes. In addition to this group of so-called moderate troublemakers, there has been added the radical Negro agitators who openly advocate violence.

There is a need for Federal protection in this country today, Mr. President, but it is on the other side. There is a need for protecting the lives and property of all of our citizens, whether white or Negro, from the arsonists, murderers, and insurrectionists who have run rampant within the past several years. Although the riots in recent years were racially conceived and inspired, most of the victims have been the Negroes themselves, all of which I have heretofore pointed out.

As a matter of fact, most of the victims of ordinary crime and violence are Negroes who have been victimized by other Negroes. I cannot understand why there is resistance on the part of the liberal and Negro communities to the enactment of legislation which would make the city streets safe. Although it is true that the overwhelming number of violators are Negro, it is also true that the overwhelming number of victims are also Negro. The need has been clearly demonstrated for passage of necessary legislation to protect the lives and property of all citizens of this country without regard to race. There is as much need, if not more so, to protect a white fireman attempting to put out a ghetto fire, as there is to protect a civil rights worker who has been injured as a result of his lawful activities. Both the fireman and civil rights worker is assaulted because of his race and because he is attempting to accomplish a thing which runs counter to local prejudice.

In 1964, when the first major civil rights bill was enacted, the sponsors claimed that its enactment would take the controversy out of the streets and put it in the courtroom where it belonged. Obviously, this has not happened and, as a matter of fact, violence in the streets has increased several thousandfold since then. The hard fact is that we will never be able to remove the controversy from the streets until the white and Negro races arrive at that point where they can accommodate each other. I have no idea when that might occur, but the central issue which faces this country today is not whether the white and Negro races can get along together, because obviously they are not, but whether or not the streets will be safe for both black and white to travel without fear of robbery, injury or even death.

In 1964, I said, after it became apparent that the Civil Rights Act of that year was going to be passed, that that act was a complete betrayal of the Negro by his so-called liberal friends. All of the objectives which the northern Negro sought under that act were actually circumvented by the act itself. Those objectives were, and still are today, the actual desegregation of the neighborhood school, equal employment opportunities and a reasonable chance to enjoy more of the material goods of this society. In 1964, I said that the Negro's attention is kept from the squalid conditions of northern ghettos and defacto segregation by promises to enact punitive laws against the southern social system. I believe that the recent riots have demonstrated this better than anything that I could say.

In my speech in the Senate on June 18, 1964, I said, and I quote:

> When the Negro leadership wakes up to the facts of this bill, I fear that violence in the Northern States will increase, and the political casualties of our friend in Congress will be heavy.

Martin Luther King showed his gratitude for the passage of the 1964 act by leading mobs through the streets of Chicago and bringing about the defeat of our friend, Senator Paul Douglas. Every year since 1964, the riots have become increasingly worse. The property damage estimated in Detroit was over $1 billion. I have not seen the total figures on property damage since 1964 resulting from the riots, but it must approach many billions of dollars and the death and injury of hundreds of innocent people is not a factor that can be easily overlooked.

This bill, H.R. 2516, is not going to get any Negro a job; it is not going to get any Negro child a better education; it is not going to do anything for the material and spiritual welfare of the Negro. It is only another cheap attempt to divert his attention from the things which he really wants. Between the Negro and the rest of society, there is a serious question of whether or not society can give him what he wants, even if it wants to. Our society could adopt a negative income tax program or any other type of guaranteed annual wage, but the question still remains whether or not this would give the Negro what he wants. I do not think money alone is going to satisfy his wants. It will not educate him because public education is already free. It will not reconstruct the tragic Negro family system. Money alone will not remove disabilities which his white countrymen find objectionable.

Negro leadership today is completely and totally divided on the goals and aspirations of the Negro race. One group, the so-called moderates, claims that their objective is the complete assimilation and integration of the Negro into American society and culture. On the other hand, the black power radicals insist on Negro supremacy, and if not that, complete separation from the white race. It apparently is their view that the Negro will never get a square deal unless he is completely in charge of American society. The latter group, of course, will never prevail and it is questionable whether or not the so-called moderates will in the absence of a government program of Negro resettlement throughout the entire United States, so that their numbers in every community will closely approximate their numerical relationship to the entire population. I venture that this program will not be adopted, at least in the foreseeable future.

It is beginning to appear questionable whether or not there are really any so-called moderates among the civil rights leaders. Only recently here in Washington, a meeting was called by Stokely Carmichael of all the Negro leaders in this community. Many of those in attendance were so-called moderates. How could any citizen of this country retain his respect for any leader who would participate in an organization call by this troublemaker Carmichael? He has only recently returned from a world tour of Communist countries, where he went on television and denounced the United States in every vile term which one could think of. I think that it is necessary to warn the moderate leaders of the Negro community that they had better give serious thought to combining with such a renegade as Carmichael. This kind of radicalism, and the violence which it breeds, will only trigger counter violence on the part of some elements of the white community. There have been, and will probably continue to be for some time, race riots, but it seems to me that Negro leaders should learn by experience that this violence will be put down by armed force. Even their so-called friends cannot afford to have the country destroyed in these nihilistic rampages.

The time has come to stop offering excuses as to why the rioters have burned large sections of our cities, looted the stores, and killed some of their fellow citizens. In almost every instance regarding the looting, it was demonstrated that those doing the stealing were not the impoverished Negroes, but those who had employment and who had sufficient means to enjoy a good life. There is not now, and never will be, any excuse or justification for the senseless destruction of property and indiscriminate sniping.

Recently, the question has been asked frequently and in all quarters of the Government, why is there such "troubled restlessness in the land?" Why are some of our citizens intent on burning down the cities, some intent on becoming drug addicts, some intent on avoiding their responsibility to the State and National Government in terms of service? Why are the mental hospitals filled to capacity and overflowing? In other words, why is there so much uneasiness and dissatisfaction on the part of all sections of our society? Some of these calamities are perhaps more peculiarly American, but most of them are, in reality, international problems. We, as the leading na-

tion of the world, will naturally feel the brunt of change and restlessness sooner than other nations. This is a time of crumbling institutions, of total freedom without restraints. This is a time of smaller responsibilities and greater liberties. This is a time when even our sacred institutions are being shaken to their foundations. Where once church doctrine and law was set on foundations of rock, they are now being discarded and abandoned. Science and the knowledge explosion have attacked so many of our institutions, brutally and frontally. They have destroyed, but not replaced the social organizations which are so necessary for a free and ordered society.

Why should life be considered holy when it can be created in a laboratory? If a sense of reverence must be diminished or eliminated in our society, should it not be replaced by something else? If the family structure is to be disintegrated, or at best be diminished to a tidy little economic unit without lasting moral values, should not something else be offered in replacement by those who attack it? This, in my judgment, is really the heart of the whole problem, and that is the necessity for a strong and healthy family system, where spiritual and moral values are at least equal to the material values to be gained by such an association. This, of course, has always been the weak point in the American Negro society. It is fast becoming the major weakness in the white race. Why should the youth of this country concern themselves with problems of ordinary morality when pills and drugs can replace the consequences of an undisciplined life? For those who really want to improve the quality of American life must look further than the material goods which have only passing values. Our society must stand for more than color television and freeways.

Mr. President, I certainly question the value of many of our social programs today as having any beneficial long-range good. While it is certainly true that we must assist our older citizens who have passed the productive years of their life, is it not a terrible mistake to organize our programs in such a way that we encourage the herding of these old people into nursing homes and old folks homes? Would not it be better to organize a social program which would encourage children to continue to care for their aged parents in their own homes? I believe that the same money can be spent to accomplish this and to produce the added benefit of strengthening the family structure. Not only the grandparents, but the grandchildren would be beneficiaries of such a system. A sense of permanence and continuity would prevail in the family. Personal responsibility and self-discipline are going to have to be encouraged and improved with the coming of new freedoms. If our religion continues to reduce God to a position of social worker, man will transfer his former deity to someone else. I fear to contemplate where that might lead. While man is presently abandoning the holy things of old, his nature is such that he cannot completely eliminate them because of his inner insecurity.

These things I have been discussing are only some of the reasons for this terrible restlessness in the land. I mention them only for the purpose of indicating that I believe we are attacking the problems of our materialistic society with only materialistic weapons.

Mr. President, in returning more specifically to the matter which confronts us today, H.R. 2516, it is my firm belief that the sponsors and advocates of this bill want a self-operating law which requires little or no enforcement machinery. The complaints from the Justice Department, civil rights leaders, and the sponsors of this bill in Congress are that the old laws are too cumbersome and too difficult to administer; that they take too long to reach final judgment, and hence the necessity for new laws. I would submit, Mr. President, that any law which we would adopt in this Congress which would be constitutional would have to have some of our traditional rules of judicial procedure and would not operate automatically.

For every right which we create, we must also create a correlative duty. The enforcement of that duty in our society must be in accordance with constitutional and legal procedure. We see more and more of the Attorney General asking for powers to override not only the State courts, but also the Federal courts in the enforcement of these so-called civil rights laws. More and more, we have given the Attorney General and various commissions and agencies the right to make determinations of fact and assess penalties and judgments. This is an intolerable situation which must come to an end. Justice cannot prevail when one party to a controversy is denied his traditional rights to be confronted and to cross-examine and to question and to produce witnesses in his own defense. In much the same way as a well-known philosopher recently said, political power does not come like cans of beans, neither are criminal statutes self-operating at the push of a button. There are no can-openers or pushbuttons; there are only the legal traditions which our Anglo-American society has provided us.

REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 1542.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1542) to amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies which was, strike out all after the enacting clause and insert:

That this Act may be cited as the "Savings and Loan Holding Company Amendments of 1967".

SEC. 2. Section 408 of the National Housing Act, as amended (12 U.S.C. 1730a), is hereby amended to read as follows:

"REGULATIONS OF HOLDING COMPANIES

"SEC. 408. (a) DEFINITIONS. (1) As used in this section, unless the context otherwise requires—

"(A) 'insured institution' means a Federal savings and loan association, a building and loan, savings and loan, or homestead association or a cooperative bank, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

"(B) 'uninsured institution' means any association or bank referred to in subparagraph (A) hereof, the accounts of which are not insured by the Federal Savings and Loan Insurance Corporation;

"(C) 'company' means any corporation, partnership, trust, joint-stock company, or similar organization, but does not include the Federal Savings and Loan Insurance Corporation, any Federal home loan bank, or any company the majority of the shares of which is owned by the United States or any State, or by an officer of the United States or any State in his official capacity, or by an instrumentality of the United States or any State;

"(D) 'savings and loan holding company' means any company which directly or indirectly controls an insured institution or controls any other company which is a savings and loan holding company by virtue of this subsection;

"(E) 'multiple savings and loan holding company' means any savings and loan holding company which directly or indirectly controls two or more insured institutions;

"(F) 'diversified savings and loan holding company' means any savings and loan holding company whose subsidiary insured institution and related activities as permitted under paragraph (2) of subsection (c) of this section represented, on either an actual or a pro forma basis, less than 50 per centum of its consolidated net worth at the close of its preceding fiscal year and of its consolidated net earnings for such fiscal year (or, during the first year's operation of the section, at such time as the holding company so qualifies), as determined in accordance with regulations issued by the Corporation;

"(G) 'person' means an individual or company;

"(H) 'subsidiary' of a person means any company which is controlled by such person, or by a company which is a subsidiary of such person by virtue of this subsection;

"(I) 'affiliate' of a specified insured institution means any person or company which controls, is controlled by, or is under common control with, such insured institution; and

"(J) 'State' includes the District of Columbia and the Commonwealth of Puerto Rico.

"(2) For purposes of this section, a person shall be deemed to have control of—

"(A) an insured institution if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 per centum of the voting shares of such insured institution, or controls in any manner the election of a majority of the directors of such institution;

"(B) any other company if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or hold proxies representing, more than 25 per centum of the voting shares or rights of such other company, or controls in any manner the election or appointment of a majority of the directors or trustees of such other company, or is a general partner in or has contributed more than 25 per centum of the capital of such other company;

"(C) a trust if the person is a trustee thereof; or

"(D) an insured institution or any other company if the Corporation determines, after reasonable notice and opportunity for hearing, that such person directly or indirectly exercises a controlling influence over the

management or policies of such institution or other company.

"(3) Notwithstanding any other provision of this subsection, the term 'savings and loan holding company' does not include—

"(A) any company by virtue of its ownership or control of voting shares of an insured institution or a savings and loan holding company acquired in connection with the underwriting of securities if such shares are held only for such period of time (not exceeding one hundred and twenty days unless extended by the Corporation) as will permit the sale thereof on a reasonable basis; and

"(B) any trust (other than a pension, profit-sharing, shareholders' voting, or business trust) which controls an insured institution or a savings and loan holding company if such trust by its terms must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust, and is (i) in existence on June 26, 1967 or (ii) a testamentary trust created on or after June 26, 1967.

"(b) REGISTRATION AND EXAMINATION.—(1) Within one hundred and eighty days after the enactment of the Savings and Loan Holding Company Amendments of 1967, or within ninety days after becoming a savings and loan holding company, whichever is later, each savings and loan holding company shall register with the Corporation on forms prescribed by the Corporation, which shall include such information, under oath or otherwise, with respect to the financial condition, ownership, operations, management, and intercompany relationships of such holding company and its subsidiaries, and related matters, as the Corporation may deem necessary or appropriate to carry out the purposes of this section. Upon application, the Corporation may extend the time within which a savings and loan holding company shall register and file the requisite information.

"(2) Each savings and loan holding company and each subsidiary thereof, other than an insured institution, shall file with the Corporation, and the Federal home loan bank of the district in which its principal office is located, such reports as may be required by the Corporation. Such reports shall be made under oath or otherwise, and shall be in such form and for such periods, as the Corporation may prescribe. Each report shall contain such information concerning the operations of such savings and loan holding company and its subsidiaries as the Corporation may require.

"(3) Each savings and loan holding company shall maintain such books and records as may be prescribed by the Corporation.

"(4) Each savings and loan holding company and each subsidiary thereof shall be subject to such examinations as the Corporation may prescribe. The cost of such examinations shall be assessed against and paid by such holding company. Examination and other reports may be furnished by the Corporation to the appropriate State supervisory authority. The Corporation shall, to the extent deemed feasible, use for the purposes of this subsection reports filed with or examinations made by other Federal agencies or the appropriate State supervisory authority.

"(5) The Corporation shall have power to require any savings and loan holding company, or persons connected therewith if it is not a corporation, to execute and file a prescribed form of irrevocable appointment of agent for service of process.

"(6) The Corporation may at any time, upon its own motion or upon application, release a registered savings and loan holding company from any registration theretofore made by such company, if the Corporation shall determine that such company no longer has control of any insured institution.

"(c) HOLDING COMPANY ACTIVITIES.—Except as otherwise provided in this subsection—

"(1) no savings and loan holding company or subsidiary thereof which is not an insured institution shall, for or on behalf of a subsidiary insured institution, engage in any activity or render any services for the purpose or with the effect of evading law or regulation applicable to such insured institution; and

"(2) no multiple savings and loan holding company or subsidiary thereof which is not an insured institution shall commence, or continue for more than two years after the enactment of this amendment or for more than one hundred and eighty days after becoming a savings and loan holding company or subsidiary thereof (whichever is later), any business activity other than (A) furnishing or performing management services for a subsidiary insured institution, (B) conducting an insurance agency or an escrow business, (C) holding or managing or liquidating assets owned by or acquired from a subsidiary insured institution, (D) holding or managing properties used or occupied by a subsidiary insured institution, (E) acting as trustee under deed of trust, or (F) furnishing or performing such other services or engaging in such other activities as the Corporation may approve or may prescribe by regulation as being a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein. The Corporation may, upon a showing of good cause, extend such time from year to year, for an additional period not exceeding three years, if the Corporation finds such extension would not be detrimental to the public interest.

"(d) PROHIBITED TRANSACTIONS.—No savings and loan holding company's subsidiary insured institution shall—

"(1) invest any of its funds in the stock, bonds, debentures, notes, or other obligations of any affiliate (other than a service corporation as authorized by law);

"(2) accept the stock, bonds, debentures, notes, or other obligations of any affiliate as collateral security for any loan or extension of credit made by such institution;

"(3) purchase securities or other assets or obligations under repurchase agreement from any affiliate;

"(4) make any loan, discount, or extension of credit to (A) any affiliate, except in a transaction authorized by subparagraph (A) of paragraph (6) of this subsection, or (B) any third party on the security of any property acquired from any affiliate, or with knowledge that the proceeds of any such loan, discount, or extension of credit, or any part thereof, are to be paid over to or utilized for the benefit of any affiliate;

"(5) guarantee the repayment of or maintain any compensating balance for any loan or extension of credit granted to any affiliate by any third party;

"(6) except with the prior written approval of the Corporation—

"(A) engage in any transaction with any affiliate involving the purchase, sale, or lease of property or assets (other than participating interests in mortgage loans to the extent authorized by regulations of the Corporation) in any case where the amount of the consideration involved when added to the aggregate amount of the consideration given or received by such institution for all such transactions during the preceding twelve-month period exceeds the lesser of $100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year; or

"(B) enter into any agreement or understanding, either in writing or orally, with any affiliate under which such affiliate is to (i) render management or advertising services for the institution, (ii) serve as a consultant, adviser, or agent for any phase of the operations of the institution, or (iii) render services of any other nature for the institution, other than those which may be exempted by regulation or order of the Corporation, unless the aggregate amount of the consideration required to be paid by such institution in the future under all such existing agreements or understandings cannot exceed the lesser of $100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year; or

"(C) make any payment to any affiliate under any agreement or understanding hereinabove referred to in subparagraph (B) where the institution has previously paid to affiliates during the preceding twelve-month period, pursuant to any such agreements or understandings, an amount aggregating in excess of the lesser of $100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year.

The Corporation shall grant approval under this paragraph (6) if, in the opinion of the Corporation, the terms of any such transaction, agreement, or understanding, or any such payment by such institution, would not be detrimental to the interests of its savings account holders or to the insurance risk of the Corporation with respect to such institution.

"(e) ACQUISITIONS.—(1) It shall be unlawful for—

"(A) any savings and loan holding company directly or indirectly, or through one or more subsidiaries or through one or more transactions—

"(i) to acquire, except with the prior written approval of the Corporation, the control of an insured institution or a savings and loan holding company, or to retain the control of such an institution or holding company acquired or retained in violation of this section as heretofore or hereafter in effect;

"(ii) to acquire, except with the prior written approval of the Corporation, by the process of merger, consolidation, or purchase of assets, another insured or uninsured institution or a savings and loan holding company, or all or substantially all of the assets of any such institution or holding company;

"(iii) to acquire by purchase or otherwise, or to retain for more than one year after the enactment of this amendment, any of the voting shares of an insured institution not a subsidiary, or of a savings and loan holding company not a subsidiary, or, in the case of a multiple savings and loan holding company, to so acquire or retain more than 5 per centum of the voting shares of any company not a subsidiary which is engaged in any business activity other than those specified in paragraph (2) of subsection (c) of this section; or

"(iv) to acquire the control of an uninsured institution, or to retain for more than one year after the effective date of this amendment or from the date on which such control was acquired, whichever is later, the control of any such institution;

"(B) any other company, without the prior written approval of the Corporation, directly or indirectly, or through one or more subsidiaries or through one or more transactions, to acquire the control of one or more insured institutions, except that such approval shall not be required in connection with the control of an insured institution (i) acquired by devise under the terms of a will creating a trust which is excluded from the definition of 'saving and loan holding company' under subsection (a) of this section, or (ii) acquired in connection with a reorganization in which a person or group of persons, having had control of an insured institution for more than three years, vests control of that institution in a newly formed holding company subject to the control of the same person or group of persons. The Corporation shall approve an acquisition of an insured institution under this subparagraph unless it

finds the financial and managerial resources and future prospects of the company and institution involved to be such that the acquisition would be detrimental to the institution or the insurance risk of the Corporation, and shall render its decision within ninety days after submission to the Board of the complete record on the application.

"(2) The Corporation shall not approve any acquisition under subparagraphs (A) (i) or (A) (ii), or of more than one insured institution under subparagraph (B), of paragraph (1) of this subsection except in accordance with this paragraph. In every case, the Corporation shall take into consideration the financial and managerial resources and future prospects of the company and institution involved, and the convenience and needs of the community to be served, and shall render its decision within ninety days after submission to the Board of the complete record on the application. Before approving any such acquisition, the Corporation shall request from the Attorney General and consider any report rendered within thirty days on the competitive factors involved. The Corporation shall not approve any proposed acquisition—

"(A) which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the United States, or

"(B) the effect of which in any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served.

"(3) No acquisition shall be approved by the Corporation under this subsection which will—

"(A) result in the formation by any company, through one or more subsidiaries or through one or more transactions, of a multiple savings and loan holding company controlling insured institutions in more than one State; or

"(B) enable an existing multiple savings and loan holding company to acquire an insured institution the principal office of which is located in a State other than the State which such savings and loan holding company shall designate, by writing filed with the Corporation within sixty days after its registration hereunder, as the State in which the principal savings and loan business of such holding company is conducted.

"(4) The provisions of this subsection and of subsections (c) (2) and (g) of this section shall not apply to any savings and loan holding company which acquired the control of an insured institution or of a savings and loan holding company pursuant to a pledge or hypothecation to secure a loan, or in connection with the liquidation of a loan, made in the ordinary course of business, but it shall be unlawful for any such company to retain such control for more than one year after the enactment of this amendment or from the date on which such control was acquired, whichever is later, except that the Corporation may upon application by such company extend such one-year period from year to year, for an additional period not exceeding three years, if the Corporation finds such extension is warranted and would not be detrimental to the public interest.

"(f) DECLARATION OF DIVIDEND.—Every subsidiary insured institution of a savings and loan holding company shall give the Corporation not less than thirty days' advance notice of the proposed declaration by its directors of any dividend on its guaranty, permanent, or other nonwithdrawable stock. Such notice period shall commence to run from the date of receipt of such notice by the Corporation. Any such dividend declared within such period, or within the giving of such notice to the Corporation, shall be invalid and shall confer no rights or benefits upon the holder of any such stock.

"(g) HOLDING COMPANY INDEBTEDNESS.—(1) No savings and loan holding company or any subsidiary thereof which is not an insured institution shall issue, sell, renew, or guarantee any debt security of such company or subsidiary, or assume any debt, without the prior written approval of the Corporation.

"(2) The provisions of paragraph (1) of this subsection shall not apply to—

"(A) a diversified savings and loan holding company or any subsidiary thereof; or

"(B) the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, by any other savings and loan holding company or any subsidiary thereof, if such security or debt aggregates, together with all such other securities or debt then outstanding as to which such holding company or subsidiary is primarily or contingently liable, not more than 15 per centum of the consolidate net worth of such holding company or subsidiary at the end of the preceding fiscal year.

"(3) The Corporation shall, upon application, approve any act or transaction not exempted from the application of paragraph (1) of this subsection if the Corporation finds that—

"(A) the proceeds of any such act or transaction will be used for (i) the purchase of permanent, guaranty, or other nonwithdrawable stock to be issued by a subsidiary insured institution, or (ii) the purpose of making a capital contribution to a subsidiary insured institution; or

"(B) such act or transaction is required for the purpose of refunding, extending, exchanging, or discharging an outstanding debt security, or for other necessary or urgent corporate needs, and would not impose an unreasonable or imprudent financial burden on the applicant.

The Corporation may also aprove any application under this paragraph if it finds that the act or transaction would not be injurious to the operation of any subsidiary insured institution in the light of its financial condition and prospects.

"Applications filed with the Corporation pursuant to this subsection shall be in such form and contain such information as the Corporation may prescribe.

"(4) If a State authority or any other agency of the United States, having jurisdiction of any act or transaction within the scope of paragraph (1) of this subsection, shall inform the Corporation, upon request by the Corporation for an opinion or otherwise, that State or Federal laws applicable thereto have not been complied with, the Corporation shall not approve such act or transaction until and unless the Corporation is satisfied that such compliance has been effected.

"(5) As used in this subsection, the term 'debt security' includes any note, draft, bond, debenture, certificate of indebtedness, or any other instrument commonly used as evidence of indebtedness, or any contract or agreement under the terms of which any party becomes, or may become, primarily or contingently liable for the payment of money, either in the present or at a future date.

"(6) (A) If the Corporation finds that a diversified savings and loan holding company does not meet the test prescribed in subparagraph (B) of this paragraph, such holding company or any subsidiary thereof may not accept, use, or receive the benefit of any dividend on stock from a subsidiary insured institution, and such institution may not declare or pay any dividend on its stock to such holding company or subsidiary, unless the Corporation fails to object, within thirty days of receipt of notification under subsection (f) of this section, to such dividend as being injurious to the insured institution in the light of its financial condition and prospects.

"(B) The prohibition of subparagraph (A) of this paragraph shall not apply to a diversified savings and loan holding company or any subsidiary thereof if, excluding its subsidiary insured institution, its consolidated net income available for interest for its preceding fiscal year was twice its consolidated debt service requirements for the twelvemonth period next succeeding such fiscal year, as determined in accordance with regulations issued by the Corporation.

"(h) ADMINISTRATION AND ENFORCEMENT.—(1) The Corporation is authorized to issue such rules, regulations, and orders as it deems necessary or appropriate to enable it to administer and carry out the purposes of this section, and to require compliance therewith and prevent evasions thereof.

"(2) The Corporation may make such investigations as it deems necessary or appropriate to determine whether the provisions of this section, and rules, regulations, and orders thereunder, are being and have been complied with by savings and loan holding companies and subsidiaries and affiliates thereof. For the purpose of any investigation under this section, the Corporation or its designated representatives shall have power to administer oaths and affirmations, to issue subpenas and subpenas duces tecum, to take evidence and to require the production of any books, papers, correspondence, memorandums, or other records which may be relevant or material to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in any State or in any territory. The Corporation may apply to the United States district court for the judicial district or the United States court in any territory in which any witness or company subpenaed resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction and power to order and require compliance therewith.

"(3) (A) In the course of or in connection with any proceeding under subsection (a) (2) (D) of this section, the Corporation or its designated representatives, including any person designated to conduct any hearing under said subsection, shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpenas and subpenas duces tecum; and the Corporation is empowered to make rules and regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in any State or in any territory at any designated place where such proceeding is being conducted. Any party to such proceedings may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

"(B) Any hearing provided for in subsection (a) (2) (D) of this section shall be held in the Federal judicial district or in the territory in which the principal office of the institution or other company is located unless the party afforded the hearing consents to another place, and shall be con-

ducted in accordance with the provisions of chapter 5 of title 5 of the United States Code.

"(4) Whenever it shall appear to the Corporation that any person is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any rule, regulation, or order thereunder, the Corporation may in its discretion bring an action in the proper United States district court, or the United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, to enforce compliance with this section or any rule, regulation, or order thereunder, or to require the divestiture of any acquisition in violation of this section, or for any combination of the foregoing, and such courts shall have jurisdiction of such actions, and upon a proper showing an injunction, decree, restraining order, order of divestiture, or other appropriate order shall be granted without bond.

"(5) All expenses of the Federal Home Loan Bank Board or of the Corporation under this section shall be considered as nonadministrative expenses.

"(i) PROHIBITED ACTS.—It shall be unlawful for—

"(1) any savings and loan holding company or subsidiary thereof, or any director, officer, employee, or person owning, controlling, or holding with power to vote, or holding proxies representing, more than 25 per centum of the voting shares, of such holding company or subsidiary, to hold, solicit, or exercise any proxies in respect of any voting rights in an insured institution which is a mutual institution;

"(2) any director or officer of a savings and loan holding company, or any person owning, controlling, or holding with power to vote, or holding proxies representing, more than 25 per centum of the voting shares of such holding company (A), except with the prior approval of the Corporation, to serve at the same time as a director, officer, or employee of an insured institution or another savings and loan holding company, not a subsidiary of such holding company, or (B) to acquire control, or to retain control for more than two years after the enactment of this subsection, of any insured institution not a subsidiary of such holding company; or

"(3) any individual, except with the prior approval of the Corporation, to serve or act as a director, officer, or trustee of, or become a partner in, any savings and loan holding company after having been convicted of any criminal offense involving dishonesty or breach of trust.

"(j) PENALTIES.—(1) Any company which willfully violates any provision of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than $1,000 for each day during which the violation continues.

"(2) Any individual who willfully violates or participates in a violation of any provision of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than one year, or both.

"(3) Every director, officer, partner, trustee, agent, or employee of a savings and loan holding company shall be subject to the same penalties for false entries in any book, report, or statement of such savings and loan holding company as are applicable to officers, agents, and employees of an institution the accounts of which are insured by the Corporation for false entries in any books, reports, or statements of such institution under section 1006 of title 18 of the United States Code.

"(k) JUDICIAL REVIEW.—Any party aggrieved by an order of the Corporation under this section may obtain a review of such order by filing in the court of appeals of the United States for the circuit in which the principal office of such party is located, or in the United States Court of Appeals for the District of Columbia Circuit, within thirty days after the date of service of such order, a written petition praying that the order of the Corporation be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Corporation, and thereupon the Corporation shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Corporation. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

"(l) SAVING CLAUSE.—Nothing contained in this section, other than mergers or acquisitions approved under section 408 (e) (2), shall be interpreted or construed as approving any act, action, or conduct which is or has been or may be in violation of existing law, nor shall anything herein contained constitute a defense to any action, suit or proceeding pending or hereafter instituted on account of any act, action, or conduct in violation of the antitrust laws."

Mr. SPARKMAN. Mr. President, last Tuesday, January 23, the House passed S. 1542, with amendments, to provide for the regulation of savings and loan holding companies and subsidiaries. S. 1452 was passed by the Senate in June of last year. The regulation authorized is reasonable and fair to the industry while giving the Federal Home Loan Bank Board adequate power and authority to protect the public and safeguard the interests of those whose savings the Federal Government insures. After consulting with the Senator from Utah [Mr. BENNETT], the ranking minority member of the Banking and Currency Committee, I believe that the Senate ought to concur in the House amendments and agree to the bill as amended.

Before doing so, however, I should like to clear up any question which might arise regarding the language of one subsection; that is, section 408(g)(2). The exchange of correspondence between the House committee chairman, Representative PATMAN, the Senator from Utah [Mr. BENNETT], and me does so. Accordingly, I ask unanimous consent that this exchange be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 26, 1968.

HON. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In connection with the consideration by the House Committee on Banking and Currency of the savings and loan holding company legislation (S. 1542 and H.R. 8696), we note that an amendment to Section 408(g)(2) was adopted, and retained in S. 1542 as passed by the House on January 23, 1968.

This bill is now on the desk of the President of the Senate.

In S. 1542 as now before the Senate, Section 408(g)(2) reads as follows:

"(2) The provisions of paragraph (1) of this subsection shall not apply to—

"(A) a diversified savings and loan holding company or any subsidiary thereof; or

"(B) the issuance, sale, renewal, or guaranty of any debt, by any other savings and loan holding company or any subsidiary thereof, if such security or debt aggregates, together with all such other securities or debt then outstanding as to which such holding company or subsidiary is primarily or contingently liable, not more than 15 per centum of the consolidated net worth of such holding company or subsidiary at the end of the preceding fiscal year."

It is our understanding that the intended operation of this provision would be to exempt from need for Corporation approval debt issued by the holding company or any of its subsidiaries so long as the aggregate of the outstanding debt of the holding company and all its subsidiaries *other than insured savings and loan associations* does not exceed 15 per cent of the consolidated net worth of the holding company. In other words, the 15 per cent exemption is based on the relation of the debt of the holding company system as a whole, but excluding debt of the savings and loan association subsidiary itself, to the consolidated net worth of the parent company.

We note that this interpretation of Section 408(g)(2)(B) is in accord with your statement to the House during its consideration of H.R. 8696 (Congressional Record, January 23, 1968, pages 696–697). We would, however, appreciate confirmation from you, for the benefit of the Members of the Senate, as to the intent of this provision. In the meantime, we shall hold the bill at the Senate desk awaiting word from you.

With kind regards and all good wishes, we are

Sincerely,

JOHN SPARKMAN,
WALLACE F. BENNETT.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., January 27, 1968.

HON. JOHN SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPARKMAN: I have received your letter of January 26, 1968, with regard to the meaning of Section 408(g)(2)(B) of S. 1542, the savings and loan holding company legislation, as passed by the House on January 23, 1968.

Upon receiving your letter, I have discussed its contents with Congressman Rees, the Member of the House Banking and Currency Committee who introduced the amendment to the section to which you refer, which was adopted both by the Committee and the House.

I can confirm to you that your understanding of the effect of this section is in complete agreement with our own and also with my statement on the floor of the House when the bill was under consideration.

Sincerely,

WRIGHT PATMAN,
Chairman.

Mr. SPARKMAN. Mr. President, it was the hope of the Senator from Utah [Mr. BENNETT] that he could be in the Chamber at the time I called up the amendments. He was prepared to give his suggestions regarding them. I am told that in the event he could not be here it was his wish that I present the statement he would have made, so I ask unanimous consent that I may read it for him.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENNETT, READ BY SENATOR SPARKMAN

Mr. BENNETT. Mr. President, I would like to associate myself with the remarks

of the chairman of the Banking and Currency Committee in recommending that we accept the House amendments to S. 1542. It is my philosophy that we should regulate or restrict private industry as little as possible while providing sufficient regulatory authority to do away with those problems which occur in the industry and which cannot be overcome through joint industry action. We worked long and hard to draft an acceptable bill when S. 1542 was before our committee. I believe it was a good bill, as did this body. The language approved by the House, and which we are now recommending that the Senate accept, is less restrictive on savings and loan holding companies.

The chairman of the Federal Home Loan Bank Board has indicated to me that he feels the bill as amended by the House is satisfactory for regulatory purposes. The industry to be regulated would also prefer the bill as passed by the House, so I see no reason to do other than accept their amendments.

Mr. SPARKMAN. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

POSTHUMOUS AWARD OF MEDAL OF HONOR TO DAVID G. OUELLET, SEAMAN, U.S. NAVY, FROM MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. President, in the Chamber this afternoon are Mr. and Mrs. Chester Ouellet, of Wellesley, Mass. Today they had the honor and I had the privilege of being at the Department of Defense when Mr. and Mrs. Ouellet received the Medal of Honor posthumously for their son, David George, who died in action in Vietnam in March 1967.

I know that the Senate would like me to read a brief history of this brave young man who died in the service of his country.

David George Ouellet was born in Newton, Mass., on June 13, 1944, son of Chester J. and Elizabeth E. Ouellet. He graduated from Hardy School, Wellesley, Mass., in 1958; attended Wellesley Junior High School; and subsequently was employed by the Alfred Fisher Trucking Co., in Wellesley. On July 28, 1964, he enlisted in the U.S. Navy at Boston, Mass., and had recruit training at the Naval Training Center, Great Lakes, Ill. Completing his training in October 1964, he joined Assault Craft Division 12, and while attached to that division served for 5 months in 1965 in the Vietnam area.

Between June and August 1966, he had river patrol boat training at the Naval Schools Command, Vallejo, Calif., after which he had training at the Naval Amphibious Base, Coronado, Calif. On September 21, 1966, he reported for duty with River Squadron 5 and was attached to My Tho Detachment 532 of that squadron at the time of his death on March 6, 1967. He was posthumously awarded the Medal of Honor and cited as follows:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with River Section 532, in combat against the enemy in the Republic of Vietnam. As the forward machine gunner on River Patrol Boat (PBR) 124, which was on patrol on the Mekong River during the early evening hours of March 6, 1967, Seaman Ouellet observed suspicious activity near the river bank, alerted his Boat Captain, and recommended movement of the boat to the area to investigate. While the PBR was making a high-speed run along the river bank, Seaman Ouellet spotted an incoming enemy grenade falling toward the boat. He immediately left the protected position of his gun mount and ran aft for the full length of the speeding boat, shouting to his fellow crewmembers to take cover. Observing the Boat Captain standing unprotected on the boat, Seaman Ouellet bounded onto the engine compartment cover, and pushed the Boat Captain down to safety. In the split second that followed the grenade's landing, and in the face of certain death, Seaman Ouellet fearlessly placed himself between the deadly missile and his shipmates, courageously absorbing most of the blast fragments with his own body in order to protect his shipmates from injury and death. His extraordinary heroism and his selfless and courageous actions on behalf of his comrades at the expense of his own life were in the finest traditions of the United States Naval Service.

Mr. President, he was also awarded the Purple Heart Medal for wounds received in enemy action.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. BAYH. Mr. President, I have had the opportunity during the last few days to listen with some interest to both sides of this critical question which is now before the Senate as the pending business. It has been discussed pro and con. At a later time, I may choose to speak in greater detail on this subject.

Mr. President, in recent years—in fact, since the junior Senator from Indiana has had the good fortune to become a Member of the Senate—we have observed what I think we would call a historic drive by Negro Americans to make effective their basic right to equal treatment in our public life.

Actually, it would be more correct to say that we have seen a drive by Americans of all colors, all creeds, and all religions.

We recall well that when the 1964 Civil Rights Act was before this body we had delegations from all across the country. Certainly there was no racial boundary and no limit to the feelings expressed by our citizenry, and it is for that reason that we were successful in passing that significant piece of legislation.

The thing we must recognize now is that this laudable effort has generated in some places a violent reaction. We have witnessed the sad spectacle of both Negroes and whites who have been assaulted and even killed for attempting to exercise their national rights. Sometimes Negroes with no background of participation in civil rights activity have been attacked in order to intimidate others who would choose to exercise those rights, not as Negroes, but as American citizens.

Mr. President, it seems to me, and I hope that Members of this body will give particular attention to the fact, that the basic objective in the measure we are presently discussing is to permit Congress to enact a law prohibiting interference with civil rights which were so hard won. Title V of the 1966 civil rights bill was substantially similar to the bill now under discussion, and was passed by the House almost a year and a half ago. It seems to me that if we were right in our judgment 3 years ago that it was time for the conscience of the country to speak out and go on record that there are certain basic and inalienable rights that had been transgressed upon and which we were going to protect, and which we did protect by the passage of the 1964 Civil Rights Act. It is just as valid today, in 1968. We must continue the job begun with the Civil Rights Act of 1964 and assure that the rights affirmed by existing legislation will no longer be nullified by terrorists.

Mr. President, it is to accomplish this goal that I suggest that the Senate address its attention in subsequent debate.

H.R. 2516 is a practical and comprehensive response to this situation. The new section 245 provides appropriately severe penalties for each of the forms of racially motivated violence which threaten the rights and personal security of those who would seek the benefits of Federal civil rights laws. Although present concern is primarily the intimidation of Negro citizens, this statute will apply equally to invasions of the rights of all persons similarly victimized. Yet Federal jurisdiction is extended only enough to give substance to prior laws of Congress.

Subsection 245(a) applies the bill's sanctions to those racially motivated threats or acts of force which are directed against Negroes who are or have been seeking the enjoyment of Federal rights in certain enumerated areas of activity. These are election activity, public education, public services and facilities, employment, jury service, common carrier facilities, federally funded programs, and public accommodations. Subsection (b)(1) protects these persons from forceful intimidation intended to discourage them or others from seeking such benefits.

These vital provisions would deter terrorism against Negroes, relieve fears which inhibit the exercise of federally guaranteed rights, and help bring to justice the perpetrators of brutal acts. But section 245 is not limited to protecting Negroes or other persons threatened by violence on grounds of race, religion, or national origin and because they seek equal public benefits. Let me draw special attention to the provisions of the committee bill which would extend criminal sanctions to those acts of violence directed against advocates of civil rights and those parties legally bound to extend benefits or services to the public without regard to race, religion, or national origin.

Subsection 245(b)(2) proscribes threats or acts of force against a person

because he is or has been urging or aiding others to participate in the activities enumerated in subsection (a), or because he is or has been engaging in speech or peaceful assembly opposing any denial of such equal opportunities. That this provision is needed can hardly be argued against the backdrop of recent violence against both Negro and white civil rights workers.

Most notoriously, there have been the killings of Medgar Evers, Andrew Goodman, James Chaney, Michael Schwerner, Lemuel Penn, James Reeb, Viola Liuzzo, and Jonathan Daniels. Others have been seriously injured; and many more have been intimidated in the exercise of their rights to free speech and assembly in less brutal but equally coercive manners. Some of the perpetrators of these acts have been prosecuted under existing Federal statutes, in spite of their difficulties of proof and inadequate penalty provisions. Others have gone free, due to the inadequacy of present Federal law and the failure of local authorities to prosecute.

The importance of deterring such acts cannot be overstated. The victims are often the very people who give courage to others who seek finally to enjoy long-withheld rights. The intimidation of a Negro leader or a white worker because of his civil rights activity is also intimidation of each Negro citizen seeking equal public opportunities. To let these acts go unpunished can only encourage more such terrorism.

Subsection 245(c) also refers back to the areas of protected activity enumerated in subsection (2). It seeks to protect Government officials and employees in a position to afford equal treatment in any of those areas, owners and employees of common carriers and places of public accommodation, private employers, and their supervisory personnel, and other persons obligated to afford nondiscriminatory services in the enumerated areas.

Certainly the majority of individuals in a position to implement Federal civil rights laws strive conscientiously to fulfill this duty. It is likely, however, that more would do so if relieved of fears of forceful reprisals. Thus, subsection (c) will further effectuate the aims of prior Federal legislation, while at the same time protecting persons, whether or not members of a victimized minority group, in the lawful performance of their jobs.

Except for sections 11 and 12 of the Voting Rights Act of 1965, there are no Federal penal laws affording coverage similar to that of subsection (c). It is possible that section 241 of the criminal code, which provides penalties for conspiring to interfere with the exercise of Federal rights, may someday be construed to protect the right to comply with civil rights legislation. But this statute is phrased too generally to be an adequate deterrent in this context, and prosecution, which thus involves difficult proof of "specific intent," is limited to cases of provable conspiracies.

In recent years there have been incidents of violence directed against employers with nondiscriminatory hiring practices, operators or employees of desegregated public accommodations, and school officials or teachers in newly desegregated schools. Subsection (c) meets a real and pressing problem, to which the committee bill provides a most effective solution.

I emphatically urge the prompt enactment of H.R. 2516 as another step toward a time of full equality and justice for all Americans.

THE 1969 BUDGET

Mr. HOLLAND. Mr. President, it is vitally important to the Nation and to the people of our respective States who have granted us the privilege, by their vote, to be Members of the U.S. Senate that we carry out our responsibilities by legislating and appropriating wisely in this 1968 session.

During the first session of the 90th Congress we appropriated $5.8 billion less than the amount requested by the administration and, by the passage of House Joint Resolution 888, the obligations budget was reduced $9.8 billion and the expenditures budget was reduced by between $4.4 and $4.5 billion. While this action has effectively reduced the deficit for the fiscal year 1968 to an estimated $19.8 billion, it still remains for the Congress more carefully to examine expenditures and requested appropriations, particularly in the light of the fact that the administration budget for fiscal year 1969 shows an anticipated deficit of some $8 billion even if the tax increases proposed by the administration are all approved and of some $20.9 billion if the tax increases are denied by the Congress.

Mr. President, the continued deficit spending and the problems that confront the Nation with respect to our unfavorable balance of payments which last year is estimated at between $7 billion and $9 billion or $3.5 billion to $4 billion more than in 1966, along with the continued threat of inflation, indicated by the increased consumer credit spending which has reached some $76.7 billion, not only suggest but demand that we take a firmly economical position with reference to our fiscal policies.

To be sure, our gross national product has been on the increase. It is now more than $785 billion. But the inevitable judgment day when we must pay the piper is only around the corner unless we put our fiscal house in order. Therefore, I am hopeful that the Congress, during the consideration this year of authorizing legislation and appropriations, will be most conservative in its thinking and actions. It is high time that we strongly support actions which will lead to a balanced budget. And, if after careful and thorough consideration of appropriation requests, we find the continued upswing in deficit spending, together with the continued deficits in our balance of payments and spiraling living costs, which can only lead to greater inflation and possible devaluation of our currency, then no matter how distasteful it may be we shall find that increased taxation is essential.

Mr. President, living the life of Riley is great. Those privileged to live in this great Nation have enjoyed it in the past and present, but, if we are to avoid hurtful inflation and prevent a depression and the devaluation of our currency, it is imperative that we must now, not later, tighten our belts at home and scrutinize ever so carefully expenditures abroad and limit them to those most essential to our national interest.

Mr. President, I do not make these points for the purpose of crying wolf or to indicate that we are a nation fiscally insolvent. They are made for the purpose and with my hope that the people of this Nation will realize the domestic dangers which are with us, for if we longer delay action, our solvency could become questionable and taxation to a heavily burdensome point could become essential.

Mr. President, with these remarks I go on record for a sound fiscal approach to our budgetary problems and to that end I shall support actions necessary to accomplish this objective.

In closing, I wish to commend the President for his decision to submit a unified budget to Congress for fiscal year 1969. This replaces the administrative budget and gives a true picture of spending, including trust funds such as social security and highways.

I have long been an advocate of a unified budget as I feel it reflects the true fiscal picture to the people of the country. For example, the administrative budget submitted a year ago originally was $135 billion. Had a unified budget been submitted under the original budget for fiscal year 1968, it would have been $175.6 billion. For fiscal year 1969, the unified budget calls for $186.1 billion or an increase of $10.5 billion for fiscal year 1969 over fiscal year 1968. Under the administrative budget concept, the fiscal year 1969 budget would be $147.4 or $12.4 billion over the fiscal year 1968 budget.

It may be of interest to concerned Members of the Senate the manner in which the $12.9 billion in taxes is to be raised. First, there is to be proposed a temporary income tax surcharge; second, extension of present excise tax rates and the speeding up of corporation tax payments; third, extending telephone and automobile excise tax rates beyond April 1, 1968; and fourth—and this is a matter that concerns me greatly as it would affect all the waterways of the Nation—the imposition of a waterway user charge, a tax of 2 cents per gallon on fuel used by towboats, tugs and other shallow draft vessels. This is similar to various other proposals that have been submitted since 1961. Congress has, over the years, refused such proposals as it has always been the feeling of the majority of Congress that the maintenance of toll-free waterways enhances the general economy and serves the public interest. While I shall defer my position with regard to the other tax proposals until the appropriate committees make their report, though I am inclined to favor them, I state now my strong opposition to the waterway user tax proposal that is estimated to bring a mere $300 million in revenue.

ORDER FOR RECOGNITION OF SENATOR WILLIAMS OF DELAWARE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the close of morning busi-

ness, the distinguished Senator from Delaware [Mr. WILLIAMS] be recognized for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISHING IN TROUBLED WATERS

Mr. BYRD of West Virginia. Mr. President, on January 22, 1968, the senior Senator from Alaska [Mr. BARTLETT] received an award from the National Canners Association's fishery products program. The award read:

The National Canners Association's Fishery Products Program on behalf of fish and seafood canner members wishes to present to the Honorable E. L. (Bob) Bartlett, United States Senator (Alaska) this Testimonial of Appreciation for his longstanding and devoted service in behalf of the commercial fishing industry; for his inspiring, dedicated, enthusiastic leadership in fisheries conservation; for his effectiveness in promoting and sustaining international cooperation for the rational harvest of the seas; and for his sincere and outstanding efforts in Congress in strengthening American fisheries. The fish and seafood canning industry of the United States is hereby honored to express its gratitude in recognition of his devotion to the American commercial fisheries. Presented at the 61st Annual National Canners Association Convention, on this 22nd day of January, 1968, in Atlantic City, New Jersey.

Because Senator BARTLETT was and is still recuperating from an illness, he was unable to receive the award in person. However, a member of his staff accepted the award and the next morning delivered for him an address entitled "Fishing in Troubled Waters."

I think the speech demonstrates why persons interested in making full use of the untapped resources of the sea consider Senator BARTLETT an articulate and effective leader in the effort to develop a rational oceanographic policy for the Nation.

So that others may have an opportunity to read a most thoughtful address on developing such a national program, I ask unanimous consent that Senator BARTLETT's address to the National Canners Association's fishery products program in Atlantic City, N.J., be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FISHING IN TROUBLED WATERS

There is a certain knack involved in selecting speech titles, particularly when one is forced to come up with a title some weeks before the speech is delivered. The trick is to find a title which imposes as few restrictions as possible on the speech to follow.

One of my most successful efforts in title selection was "What of the Future?" I have filed that one for the future, because it is an apt title for almost any speech a forward-looking politician might want to give.

The title of this morning's talk, "Fishing in Troubled Waters"—selected in December—has some of the same attributes. Considering the audience, the title obviously has something to do with fish, but depending on an individual's current concern, the title could serve to introduce a talk on the perils of tuna fishing off South America, or on problems of competing with foreign fishing fleets, or on the possibilities of securing from Congress added appropriations for fishery programs, or on the prodding of Ralph Nader for fish inspection legislation—a task really quite unnecessary!

Actually, I will touch on all of these topics, but my principal concern this morning is to look to the time when we will leave the troubled waters of the surface of the sea to our foreign competitors while we harvest the riches of the sea from the relative comfort of the Continental Shelf.

Perhaps my vision of the development of technology designed to allow us to take full advantage of our Continental Shelf will remain just that—a vision—but if it does, it will not be because my vision was an impossible dream, but it will be because there was made no national commitment to tap the resources of the sea. We, as a nation, must decide whether to fish or not to fish.

The case for a national commitment to harvest the seas is strong.

The world starves while the protein of the sea lies unused.

Our adverse balance of trade threatens the standing of our dollar and forces upon us uncomfortable restrictions on activities abroad, while this nation, with its great coastal resources mainly untapped, leads the world in importing fish.

Advancing automation and a growing population demand creation of new jobs, while the nation allows a once great industry and a source of meaningful employment to slip into extinction.

Let me document for the record the case for discarding our Hamlet-like indecision in favor of positive action to develop our fishing potential.

The gap between the world demand for food and the world supply of food grows daily. We have a humanitarian interest and a national self-serving interest to do all we can to close that gap.

No man is an island, and the bell tolls for each of us with the death of each child, of each adult from malnutrition. In a world faced with a great and growing food shortage, the time has come—or more correctly—the time is long past when petty jealousies and just plain greed which have divided food-producing elements of this nation should have been forgotten. I recall the fight certain interests made against fish protein concentrate, a fight based more on blind opposition to an imagined economic threat than on an understanding of the product and its potential use.

The nation's self-interest in the war on world hunger should be just as clear. There is no way this nation can retreat into isolationism. We are a world power and as long as we remain one, we will be deeply involved in world affairs. Therefore, it is clearly in our interest that food shortages be eliminated as a source of world tension and world instability. It has become obvious, despite all our skills in technology, the benefits of the industrial age cannot be brought to developing nations until the people of those lands first have enough to eat. Neither we nor the world can afford to waste a food resource as valuable as that of the sea in this most vital of wars.

Turning to figures comparing domestic fish production and foreign imports, we learn that in 1966 the United States imported 65 percent of the fish and shellfish used in the nation that year. Those imports were worth $720 million.

Off our coasts we have ample supplies of ground fish, but instead of harvesting enough of these species to meet our domestic needs, we imported 390 million pounds of these fish, 81 percent of what we needed.

A vast source of shrimp lies off Alaska, for all intents and purposes untouched because of a lack of adequate technology. Instead we imported 343 million pounds of shrimp, 57 percent of our domestic demand.

Only in a few categories did domestic production top imports, but perhaps the most telltale statistic is that we exported only about $69.5 million worth of fishing products in 1966, giving us a balance of trade deficit of more than $600 million in fishery products. The full meaning of that figure can better be understood when it is realized that curbs on foreign travel have been suggested in order to cut our balance of trade deficit by $500 million.

It can better be understood if it is realized that the fishing deficit might be a credit if we could and would harvest the resources of our Continental Shelf.

The case for a growing and stable industry as a resource of jobs and national income was stated most concisely in a recent magazine article.

The author observed:

"Their annual catch is worth $450 million at dockside, but to the processor it is worth $1 billion. They have $500 million tied up in vessels that keep shipyards and gear manufacturers busy. The industry and closely allied shore activities provide half a million jobs. U.S. fishermen, whatever their present woes, would appear to be a national asset."

You and I know this case for a commitment to fish the seas, but there is some doubt whether the case has been made to the nation.

I say that as one who has tried to articulate that case to anyone who would listen, and I say that now because there may be at hand several opportunities to help build support for our case.

Please notice that I spoke of "support for our case" and not of securing new funds and new programs to help build the industry. Anyone who listened to the President's State of the Union message last Wednesday night will appreciate the present budget situation and the difficulties to be faced in securing new appropriations this session. However, the war in Vietnam will end some day, and when it does money will become available for a host of new activities—all legitimate, all important. If the fishing industry is to get a fair share of those funds, and I believe it should and must, then we must start building public support for our case right now, and the President, in his State of the Union message, presented us with two forums to do just that.

He referred to a major effort to be made in oceanographic research and that he would recommend fish inspection legislation.

The oceanographic program in this nation is being coordinated by the National Council on Marine Science and Engineering Development and the Commission on Marine Science, Engineering, and Resources.

The fishing industry should do all it can do to direct part of this research effort into investigating new ways to harvest fish. The fishing industry should do all it can to ensure that the research program remembers that the word "engineering" is included in the name of the council and commission, and the programs are not to be just pure science, as important as basic scientific research is to our cause.

Work with the council and the commission, give them ideas and cooperation, learn from the research they do and use the technology they develop, for out of the work of these two bodies may come proposals which catch the imagination of the public as our space effort has, thereby improving the chances that the needed national commitment to fish will be made.

Out of the work of these bodies may come the technology needed "to fish up" from the Continental Shelf, which we control, rather than down from the troubled waters of the surface which we must share with foreign fleets. Frankly I do not foresee acceptance of a national program to build modern fishing fleets to match the size of our foreign competitors, but even if we did, they would upgrade their fleets to keep pace with ours. In short, on the surface we could do no more than break even, but the Continental Shelf is ours to do with what we want, what we can.

However, we will have no national program

of any kind if the American people and the people of other nations do not accept fish as a safe food. In the months ahead the fish industry faces a crucial decision on the question of fish inspection legislation. That question is not whether such legislation will pass. It will pass, for this is the age of the consumer, and I, for one, believe it is an age long overdue.

Rather, the choice facing you is whether you will fight a futile battle and do irreparable damage to the reputation of safe fishery products, or whether you will work for an effective and fair act while at the same time taking advantage of a national forum to sell fish and the fish industry.

It seems to me that if we are to have satisfactory fish inspection legislation, the Congress must have the assistance of the industry, for, to speak the obvious, the problem of fish inspection is a different kettle of fish from the problem of inspecting red-blooded animals.

I do not think I need to pinpoint this difference for this audience, but I do want to go on record as stating that imported fish products must somehow be brought under an inspection system. There would be no sense to inspecting only 35 percent of the fish products used in this nation.

And it might be noted, but not by this party who believes in liberal trade policies, that an effective inspection system might cut down on those fish imports of which so many fishermen complain so bitterly.

The choice is yours, but for those inclined to fight I would recall for them the rather poor public image presented by two groups which, refusing to recognize that nothing is more powerful than an idea whose time has come, made futile attempts to oppose Medicare and auto safety legislation. Weigh that fate against the opportunity to do a bit of selling, looking toward that day when the Vietnam war ends and new national priorities are drawn up.

But I realize also that many of you cannot afford to wait until my vision of fishing up rather than down becomes a reality, nor do I expect you to.

It is important that you continue to fish, not only because of the reasons already cited, but because we must remain an active fishing nation if we are to be effective in bringing about a world fisheries convention. Steps must be taken and taken soon to ensure that ruthless exploitation of the resources of the sea does not send fish to the same fate as the buffalo. Thanks to the efforts of the good senior Senator from Washington, Mr. Magnuson, there is already on the books a Senate resolution calling for just such a convention.

As long as our fishing activity is as limited as it is today, we can exert little pressure to bring about this badly-needed convention. In addition, if we do not actively fish certain areas, our negotiating position will be weakened. I think we can see the truth of that observation today in our bilateral fishing negotiations.

Because we do not have a high seas fishing fleet which can fish off foreign coasts, we must negotiate by granting access to areas close to our shores rather than agreeing not to fish in areas off their coasts.

So it is important that we continue to fish old areas and expand into new ones.

So it is important that we seek to enact legislation to encourage our fishermen to catch tuna within 200 miles of the South American coast. I would be less than candid if I reported other than that the outlook for amending the Fishermen's Protective Act is gloomy. However, I think the try should be made, for I view the protection which would be afforded by the proposed amendment not as a dangerous precedent, but as a valid means of helping to protect our time honored policy of freedom of the seas.

That battle will be waged, but there is still more we can do to aid our fishing industry, even if we are forced to remain within existing programs and current levels of appropriations.

For a starter, we might try to redirect some of the fishery research efforts into more result-oriented programs designed to develop technology we can use today, for it is perhaps only technical problems which are keeping us from harvesting significant quantities of shrimp off Alaska, of anchovies off California and of thread herring in the Gulf of Mexico.

And then, Congress must soon decide whether the proper authority exists to enforce the various bilateral and other agreements the State Department negotiates. If these agreements are to be of full value we must devise some way to ensure that our fishermen live up to them as well as foreign fishermen.

We in Congress might also take another look at the fishing vessel construction program to see what if any changes must be made to encourage boldness of ideas and freedom of opportunity to come up with vessels which can compete with foreign fleets. While it is true that such vessels may take up most of the subsidy funds available in any one year, I think that is the route we must take in the immediate years ahead if we are to keep our fishing industry alive until technology is developed which will enable us to take advantage of the convention covering rights of the Continental Shelf. Some of you may differ with me on just how big an advantage that convention gives us, but I think control of the Continental Shelf gives us a rare opportunity to develop technology which will operate free of foreign interference and at the same time neutralize an advantage our competition now holds.

That is the kind of challenge which American business has met and mastered on the way to building the greatest economy the world has ever known.

That is the challenge for the future that I throw out to you today. If we work together now to build the case for a national commitment to fish tomorrow, it will be time well spent, for I am confident if the nation decides to fish, the nation possesses the ability to devise a method of fishing up from the shelf, rather than down from the crowded, troubled waters of the surface of the sea.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. THURMOND. Mr. President, in my discussion thus far I have primarily discussed the constitutional objections to the bill. I should now like to direct my remarks to another aspect of the proposed legislation. Let us consider what effect the bill would have should it be enacted. I should like to discuss the very serious consequences which could very well flow from our decision in this matter.

We are all familiar with the recent upsurge in civil violence in this Nation. In city after city across this great land our people have had to endure untold hardships at the hands of mobs who kill, burn, and loot. This trend toward violence is the single greatest domestic problem which the United States faces. While the riot control bill languishes in committee, we are asked to pass a bill which could very well hinder the efforts of law-enforcement officers to deal with mass disorder and violence.

One of the provisions proposed by the Senator from North Carolina [Mr. ERVIN] would exempt law-enforcement officers from the provisions of the bill when involved in suppressing a riot. This would correct a very serious flaw in this bill.

In view of the wave of violence sweeping America, both riots and other crimes, I believe it is imperative that Congress give full support to law-enforcement personnel. Certainly we should do nothing which would interfere with law enforcement in these troubled times.

The amendment would protect law-enforcement officers, National Guardsmen, members of organized militias of any State, or members of the Armed Forces of the United States. It would protect any of these people who are engaged in suppressing a riot or civil disturbance, or who are engaged in restoring law and order during a riot or civil disturbance, by exempting them from prosecution under this bill.

The primary purpose of the amendment is to prevent the use of this bill, should it become law, to prosecute law enforcement officers engaged in suppressing a riot. The amendment is the identical language used by the Subcommittee on Constitutional Rights in the version of the bill which is reported to the Judiciary Committee.

Mr. President, I believe there is a real need for this amendment. If the bill should pass in its present form, the Justice Department will be flooded with requests to prosecute individual policemen who were merely doing their duty trying to suppress a riot. To place our law-enforcement personnel under the handicap of facing prosecution in the Federal courts after a riot cannot help but hamper their activities in suppressing this wave of civil violence which has struck our cities. This is not fair to the police, who are charged with enforcing our safety. This is not fair to the American people, who are being brutalized by mob violence and demand an end to it.

Let us examine just how the bill as it now stands will affect law enforcement during riots. We are all familiar with the horrible riot which occurred in Newark, N.J., July 12 through 17, 1967. Twenty-five people were killed. Twelve hundred people were injured. Sixteen hundred people were arrested, although thousands participated. Property damage was $15 million. This was indeed a very serious occurrence. One can imagine the great task the Newark police faced, with such an overwhelming outbreak of violence and destruction.

What was the outcome of that riot? A suit was brought asking that the Newark Police Department be placed in receivership. Five organizations, including the American Civil Liberties Union and the NAACP, cooperated in preparing the suit. One of the organizations which helped to put the suit together was the Newark legal services project, an agency actually funded by the Federal Office of Economic Opportunity. Approximately 200 affidavits from individuals claiming they were mistreated during the riots have

been compiled for the suit. The basis of the suit is that the police discriminated against Negroes. It includes the charge of arresting persons for "exercising their rights" under the Constitution. It includes the charge that the police used the "pretext" of putting down the riot to commit acts of "violence, intimidation, and humiliation" against Negroes.

If this bill had been law, I have no doubt that the very same people who instigated the suit would have requested Federal prosecution of individual policemen under the bill. I believe we would have seen the Justice Department flooded with affidavits claiming that policemen had used force to prevent people from exercising their constitutional rights because of their race. Indeed, we would probably have seen the sorry spectacle of an organization supported by Federal poverty funds helping to prepare complaints designed to prosecute police who were suppressing a riot. I am doubtful that the Justice Department would long withstand the pressure of these various civil rights groups. It could well become commonplace that every riot would be followed by a series of Federal prosecutions of policemen. What will this do to law enforcement in our cities? It cannot help but hamper the efforts of those trying to control violence in our cities.

This situation may well exist all over the Nation. According to the Washington Post of August 25, 1967:

While the suit deals only with Newark, Robert L. Carter, general counsel of the NAACP, told the press conference, "we regard this as a national problem." He said the NAACP is investigating similar action in many other cities across the country. He named Cincinnati, and another source said Cleveland is being considered.

The supporters of the bill have taken the position that no one of any consequence has defended the rioters on the grounds that they were exercising their constitutional rights. They have repeatedly stated their position that the bill would not be used to harass law-enforcement officials. I should like to read an article from the August 25, 1967, edition of the New York Times, which discusses the lawsuit and indicates clearly that should this bill be enacted, we can expect a serious attempt to intimidate policemen following every riot and civil disturbance in this Nation:

SUIT BIDS UNITED STATES RUN POLICE IN NEWARK—18 NEGROES FILE CASE UNDER 1871 CIVIL RIGHTS LAWS

(By Thomas A. Johnson)

Eighteen Negroes filed suit yesterday asking that a Federal receiver take over and operate the Newark Police Department on the ground that the police have consistently discriminated against Negroes.

Named as defendants in the suit filed in United States District Court in Newark were three city officials—Mayor Hugh J. Addonizio, Public Safety Director Dominic Spina and Police Chief Oliver Kelly.

Newark's Corporation Counsel, Norman Schiff, who received a copy of the suit, said the city would file a motion on Monday denying the allegations by the 18 Newark Negroes and asking for an immediate dismissal of the case.

The plaintiffs' lawyers said precedent for the suit was based on Federal civil rights laws passed in 1871 to guarantee the individual rights of emancipated Negro slaves during the Reconstruction period and on the Council of Federated Organizations v. Rainey case in Mississippi in 1964.

In the 1964 case, the plaintiffs asked that Federal marshals take over the powers of certain Mississippi sheriffs. A Federal District Court dismissed the case, but the Fifth Circuit Court of Appeals reinstated it and the case is now pending in the lower court.

The court action was announced yesterday during a news conference at the offices here of the American Civil Liberties Union, 156 Fifth Avenue.

A NATIONAL PROBLEM

One lawyer for the plaintiffs, Robert L. Carter, who is the general counsel for the National Association for the Advancement of Colored People, said during the conference that Newark was symbolic of "a national problem and we are investigating the possibility of bringing similar actions in other cities."

Other lawyers for the plaintiffs are associated with the A.C.L.U., the Newark Legal Services Project, the Law Center for Constitutional Rights, which is a private foundation in Newark, and the Scholarship, Education and Defense Fund for Racial Equality. The latter, formerly a part of the Congress of Racial Equality, is a Manhattan-based leadership training organization active in civil rights in several Northern and Southern states.

The suit charged that Newark police have been responsible for a systematic pattern of violence, humiliation and intimidation intended to deny Negro citizens their constitutional rights.

It was also charged that the Newark police, the New Jersey State Police and the National Guard had deliberately destroyed Negro-owned property and used "massive and unlawful deadly force against members of plaintiffs' class when said force was unnecessary" during last month's riots.

In addition to requesting a Federal receiver, the suit called for the court to direct the Newark police to cease from engaging in acts "consisting of violence, intimidation and humiliation"; the use of "obscene racial epithets"; the "compiling [of] dossiers" on civil rights groups and the arresting of persons for "exercising their rights" under the Constitution.

The executive director of the A.C.L.U. in New Jersey, Henry M. di Suvero, in a joint statement with Mr. Carter, said: "This suit represents a major effort to check police lawlessness. In Newark, unlike Detroit, no action has been taken against any police officer, state trooper or national guardsman."

EIGHT ARE CLERGYMEN

Mr. Carter said the suit was as important as the United States Supreme Court decision of 1954 outlawing segregation in public schools because the current racial situation threatens to "split the nation into black and white camps."

He added that the case would seek to clarify the function of the police. He said: "Police too often regard their function as protecting white people from Negroes. Their function has to be to protect all citizens."

The 18 Negro plaintiffs who said they were suing on behalf of Newark's Negro community of more than 200,000, include eight clergymen, two local Congress of Racial Equality leaders, a former Essex County Freeholder and some indigent persons, including the chairman of the Welfare Mothers Commtitee of Newark.

One plaintiff, the Rev. Dennis Westbrook, told newsmen that he had been beaten and kicked by a Newark police sergeant who insisted that the clergyman leave a Newark hospital during the rioting. Mr. Westbrook said he was "on duty" at the hospital in accordance with an agreement worked out between Mayor Addonizio and Negro leaders of Newark.

Mr. Spina, the Public Safety Director, issued a statement in response to the suit that termed the court action "ridiculous."

He said: "I don't believe I have had more than seven or eight complaints of abuse of authority and these are being investigated."

Mr. Spina added, "These are the kind of negative complaints which frustrate law enforcement and make it more and more difficult for a police department to carry on its work."

Mr. di Suvero said his office had more than 200 statements from Negro residents charging police abuses. He said they had not been turned over to the police because Negroes in Newark "have no trust in the police."

The story was also covered by the Washington Post. I read an article entitled "Reform of Newark Police Urged," from the Washington Post of August 25, 1967:

REFORM OF NEWARK POLICE URGED

(By Leroy F. Aarons)

NEW YORK, August 24.—Seventeen Negro civic leaders and poor people asked the Federal courts today to take over and reform the Newark Police Department.

Similar action may be taken in other cities.

The unusual move came in the form of a civil lawsuit filed in U.S. District Court in Newark and announced at a press conference in the New York offices of the American Civil Liberties Union.

BRUTALITY CHARGED

The suit charges a long and continuing pattern of police brutality in Newark, which, it says, has either been ratified by city officials or is out of their control. During the five days of violence in July, the suit charges, police used the "pretext" of putting down the riot to intensify the mistreatment and commit acts of "violence, intimidation and humiliation" against Negroes.

The lawsuit asks that the Department be placed in receivership and that a special "master" be appointed with full administrative power over its affairs.

The master would be ordered to hold public hearings leading to a plan for rehabilitation of the police department under court supervision.

The complaint also urges that the Newark officials—specifically Mayor Hugh J. Addonizio, Police Director Dominick A. Spina and Police Chief Oliver Kelly—be enjoined from allowing such alleged acts of brutality as beatings, intimidation, use of racial epithets and derogatory language, compiling dossiers on civil rights leaders, and refusal to arrest policemen who commit crimes against Negroes.

NATIONAL PROBLEM

While the suit deals only with Newark, Robert L. Carter, general counsel of the NAACP, told the press conference, "We regard this as a national problem." He said the NAACP is investigating similar action in many other cities across the country. He named Cincinnati, and another source said Cleveland is being considered.

Carter is one of 22 lawyers who signed the complaint. They represent five cooperating agencies in the case: ACLU, NAACP, the Newark Legal Services Project, the Law Center for Constitutional Rights, and the Scholarship, Education and Defense Fund for Racial Equality.

The suit was actually put together by the New Jersey ACLU, headed by Henry M. di Suvero, in cooperation with the Newark Legal Services Project, an agency funded by the Federal Office of Economic Opportunity and charged with aiding poor people in civil cases. A chief adviser was Arthur A. Kinoy, of the New York firm of Kunstler, Kunstler

and Kinoy, one of the country's most prominent civil liberties attorneys.

Approximately 200 affidavits from Negroes claiming various kinds of mistreatment during the riots have been compiled in support of the lawsuit. Di Suvero said the affidavits are being kept secret for fear that the signers will be intimidated.

One of the alleged victims, the Rev. Dennis Westbrook (also one of the 17 listed as plaintiffs) was present at the press conference. He charged that during the riot he was roughed up by police despite the fact that he identified himsef as a minister who had been authorized by the Mayor to be in the trouble area.

It was understood that other signed complaints in the hands of the attorneys allege that:

A Negro professional man, who was taking food to his mother, was arrested by police, beaten and forced to kiss and lick policemen's feet before he was released.

A man walking with two women was stopped by police and forced to strip, then made to run naked down the street.

Police, particularly state troopers and National Guardsmen, fired indiscriminately into Negro homes and deliberately at stores run by Negro merchants.

The attorneys justified their resort to Federal courts by citing several civil liberties amendments to the Constitution and a Federal law dating back to Reconstruction days. That law provides for civil action at the Federal level where local officials violate the civil rights of an individual or class.

That law was tested and upheld in a suit against the Sheriff of Neshoba County, Miss., where three civil rights workers were murdered. That suit, which asked that Federal marshals be appointed to oversee the actions of local sheriffs, is now in District Court in Mississippi.

FEDERAL REMEDY

Di Suvero said that the Federal remedy was sought because there is no legitimate machinery for police brutality complaints in Newark, and state courts have been hostile to actions against policemen.

He also noted that for the duration of the Federal suit, new acts of alleged brutality in Newark can be added to the complaint and depositions taken from policemen and witnesses. Thus, said Di Suvero, the court action will serve as a temporary review board for brutality complaints.

Mr. President, this suit was brought by organizations with national connections and national influence. Should the bill before us become law in its present form. I have no doubt that the same people would use this bill to intimidate law enforcement personnel all over this Nation. Under the law as it now stands, only the suit for receivership was brought. There is now no provision by which individual policemen could have been prosecuted for the alleged offenses in the Federal courts. I am convinced, however, that had this bill been law at the time of the Newark riots, efforts would have been made to persuade the Justice Department to prosecute individual policemen under this law.

I quote from the testimony of Senator ERVIN and Mr. Charles Bloch, the distinguished constitutional lawyer from Macon, Ga., concerning this point when it was discussed in the hearings, at pages 252 and 253:

Senator ERVIN. While this bill uses the word "intimidation" and condemns the act of intimidating people, is it not true that the passage of this bill would have a tendency to intimidate National Guardsmen, Regular Army men, and law enforcement officers called out to suppress civil disturbances like riots?

Mr. BLOCH. Absolutely; whether it is the purpose or not, it would certainly have a tendency to keep the National Guardsmen and the police officer from doing their duty.

Senator ERVIN. So, to that extent it serves lawlessness and disorder, rather than law and order?

Further in the testimony, the point is raised again—hearings, pages 269 and 270:

Senator ERVIN. Then, in the riots we had this summer, most of the rioters were people of one particular race or color, force was used by National Guardsmen, by Regular Army troops, and by the law enforcement officers against the rioters in an effort to suppress the riots, and the rioters were using the sidewalks and the public streets. Would it not be possible to make a case under this bill against the Regular Army soldiers, the National Guardsmen, or the law enforcement officers who attempted to suppress the rioting because the rioters were using the public streets or the public sidewalks; in other words, public facilities?

Mr. BLOCH. It would, because the beginning of that starts off with "Whoever." It makes no exceptions whatsoever. It states "Whoever," whether or not acting under color of law, et cetera.

Senator ERVIN. You have the element of force, the element of using public facilities and the element of race.

Mr. BLOCH. And what private in the rear ranks who is acting under orders of his commanding officer could plead the direction of his commanding officer, that order, as a defense, because it says, "whether or not acting under color of law." If the poor fellows says "My sergeant told me, my captain told me, my general told me, told me to do thus and so." As I read that, it would not be a defense to it, because he is acting under that, and it does not make any difference or not whether he is acting under color of law or not. It opens the door so wide that it is hard to imagine all of the ramifications of it.

Senator ERVIN. And this bill could be used, if enacted into law, to harass law enforcement officers in their attempts to preserve public order.

Mr. BLOCH. This is my real, my greatest fear of it. This is a use that can be and may be made of it.

The problem was raised again at the hearings when Attorney General Clark and Assistant Attorney General John Doar were testifying. While these gentlemen claimed that the bill could not be used in such a manner, it is apparent from their testimony that they were unable to substantiate their position. Let me read a portion of it to you—hearings, pages 324 and 325:

Senator ERVIN. Didn't these people claim that they were not violating the law but, on the contrary, were just protesting?

Mr. Doar, do you contend that in these riots there was no claim made by those who participated that they were merely protesting, merely using the public facilities, a public street, sidewalk, and that they were unlawfully shot, assaulted, and killed?

Mr. DOAR. Senator, I never heard anybody suggest that people that riot are using, exercising their first amendment rights, or protesting or demonstrating. I have never heard that suggested.

Senator ERVIN. I urge you to read the evidence taken on the antiriot bill; we had police officers from Newark who stated that rioters were not only demonstrating in some cases, but that they were accompanied by poverty lawyers who were present to see that their constitutional rights to demonstrate were protected.

Mr. DOAR. Well, Senator, if anybody says that, I disagree with it 100 percent.

Senator ERVIN. The first element of this crime is present violence. The police officers who admitted to the shooting were white men and the victims were Negroes; were they not? So at least one of the elements would apparently be present. And if they were exercising their right to protest, they were certainly exercising a right secured and protected by subsection (b) of this bill; were they not?

Mr. DOAR. If that were the fact. But that was not the fact.

Senator ERVIN. You know the evidence is not always one way. These people claim they were shot while merely exercising their rights as American citizens to use the sidewalks and streets of Detroit and a motel—a place of public accommodation—which is included in this bill.

Senator ERVIN raised the problem again with Attorney General Clark, and I believe the testimony substantiates the point I am making—hearings, page 322:

Senator ERVIN. Mr. Attorney General, if the law officer, National Guardsman, or the Regular Army soldier uses force against a person, the first element of this offense is established. Then, if he also seizes this man while he is using the streets or the sidewalks, then the second element of this offense is established. And if he happens to belong to a different race from the officer who uses force, the external appearance of the third element is established. And if it is obvious from the evidence that the law enforcement officer saw the man using the public facility and he saw the race of the man, you have the fourth element.

I don't mean that a jury would so find, but certainly as far as the external evidence is concerned by which the crime would be established, you would have every external evidence of these essential elements.

Attorney General CLARK. Well, I don't believe the prosecutor would pay any attention to it, and I don't believe there is a jury or a court that would. And you can make that same observation as to every act of a policeman. If an officer in a police car is pursuing a car at 90 miles an hour, is he guilty of speeding?

Mr. President, I believe it would be a tragedy if this bill were to pass. It has been said that this bill is aimed at the South. Its proponents would just as soon leave that impression. But in its present form, it could provide a weapon to be used against the policemen in cities struck by racial violence all over the United States.

The really serious problem facing the country is the growing breakdown of law and order. The trend is clear: from peaceful protests to "nuisance demonstrations" to riots with sporadic violence to insurrection and guerrilla warfare. This, Mr. President, should be the real concern of Congress. Instead, we are considering a bill which can only interfere with efforts to control this civil violence.

In this violence which has recently shaken the very foundations of our Republic, the theme of the apologists for the rioters has been that this behavior is in the nature of a "protest" against certain alleged social conditions. And a secondary theme, which is constantly repeated, is "police brutality." Some alleged incident—often fabricated—of untoward behavior by a policeman is usually given as the cause for the riot. Throughout the duration of the riot, the

policemen, the firemen, and the National Guardsmen are subject to two barrages: one physical; snipers' fire, brickbats and the like; the other psychological, accusations of brutality and constant questioning of the right of the enforcing officers to use various methods to contain the riot. When the riot is finally over, due mainly to the efforts of the police, headlines are devoted to the role of the police. In one case which I have discussed a suit was brought to place the police department in receivership as a result of its conduct during a state of virtual insurrection.

With this state of affairs existing and with the volatile and uncertain political pressures existing in the Nation, I am afraid that should the bill pass we would have the sorry spectacle of law enforcement officers on trial after a riot, while the thousands of lawbreakers who burned down a city are made to appear the victims. This is not an extreme interpretation of what could happen under this bill.

Mr. President, Senator ERVIN discussed this point at length when questioning the Attorney General in hearings before the Subcommittee on Constitutional Rights. I shall read this because it clearly illustrates just the problem I have been talking about.

Senator ERVIN. It seems to me, also that under this section you have a perfect example of how this act can be used to make charges against Regular Army troops or National Guardsmen, or law enforcement officers who seek to suppress a riot, because if they use force or threaten to use force, you have one element present. If the rioters claimed they were participating in any of these programs, on the street or sidewalk, or that they were aiding others to do so, or that they were merely engaging in a peaceful assembly to protest the denial of the opportunity of participating in these programs, without discrimination on account of race, color, religion, political affiliation, or national origin, you have every necessary fact to make out a case against law enforcement officers, Guardsmen, or Regular Army soldiers.

Attorney General CLARK. Well, for the reasons I stated in the hearing this morning, I think that has no meaning—it just has no meaning. You have to look to the intent of the individual in the crime and to his conduct. And the mere fact that a professional wrestler is using force does not bring him under the act. The mere fact that a policeman who is performing his duty in good faith uses force does not bring him under the act at all. He has to have the intent, and knowingly do these things that have been prohibited. It is really no inhibition on law enforcement. These same inhibitions would apply to law enforcement in relation to existing State statutes as well as in relationship to existing Federal statutes, including 241 and 242. There has been no problem at all at any time.

Senator ERVIN. The problem is that this bill would be an additional law to enforce in the Federal courts instead of the State courts. If the Federal courts believe the evidence of the rioters, they could make a perfect case of a violation by law enforcement officers or National Guardsmen or Regular Army troops, for using force against people because they were, from their standpoint, engaging in peaceful assembly, listening to speeches, making speeches, or protesting the denial of their right to participate in all these programs without discrimination on account of race.

Attorney General CLARK. Well, the risk is nonexistence. The identical risk, such as it may be, exists today as to State law. If your statement is correct, that under most State laws individual citizens can go in and prosecute—and that has not been true generally in my experience, there is a much greater risk of such a controversy under those laws. There is the same existing risk under Federal statutes, and it has proved to be no problem whatsoever. It would certainly not be a problem under this statute.

Senator ERVIN. What would the Department of Justice do if some rioters, or counsel representing the rioters, file with the Department of Justice hundreds of affidavits showing that they were merely engaged in a peaceful assembly, or attending a speech, by people of the Negro race, in which they were protesting their denial of their right to participate in these programs without discrimination as to race. What is the Department of Justice going to do with that?

Attorney General CLARK. Well, if they are rioters as you describe them as being, we would see first whether there is any Federal violation involved. If there was, we would prosecute them. If there was no Federal prosecution, we would just refer the matter to the State, and see what they could do with the violation of State law.

Senator ERVIN. Suppose they make out a case of a violation of this second crime created by subsection (b).

Attorney General CLARK. We would investigate complaints made under this statute, as under any Federal statute.

Mr. President, the colloquy between Senator ERVIN and Attorney General Clark continued as follows:

Senator ERVIN. Yes. Suppose you have plenty of evidence that tends to sustain their point, and then you have evidence on the other side that tends to negate it. What are you going to do about that?

Attorney General CLARK. You would weigh the evidence, just as in every controversy.

Senator ERVIN. You are going to exercise a judicial function and acquit the officers, National Guardsmen, and the regular Army soldiers involved in every case?

Attorney General CLARK. No. We would leave the judicial function to the courts. We would exercise an executive function, and determine whether or not there was probable cause to believe a crime had been committed.

Senator ERVIN. I believe this proposed law could be used to harrass law enforcement officers in their attempts to suppress riots.

Attorney General CLARK. As a practical lawyer, I know that no such problem would exist under this statute. I know that if there were such a problem under this statute, it would exist today under sections 241 and 242.

Senator ERVIN. Did you ever have occasion to participate in any industrial disputes which gave rise to a charge of inciting to riot, or rioting?

Attorney General CLARK. I do not believe I have.

Senator ERVIN. I have, and I spent several weeks participating in such a trial. There were about 100 witnesses on one side who testified that the facts showed incitement to riot, and rioting, and about 300 witnesses on the other side who testified that the facts showed that there was a peaceful assembly to listen to a speech. Under this act, if you have any riots, you are going to have those kinds of cases. I want to know what the Department of Justice is going to do when a case like that arises. Are they going to determine in advance which side is telling the truth, and which side is not telling the truth?

Attorney General CLARK. Well, of course, you have to make a judgment, Senator. But I do not believe the issue will arise. If the problem exists as you describe it, why haven't there been state prosecutions by individuals who would make these claims and present this sort of evidence, if the courts are available for them, as you indicate, and why haven't we received these complaints under the existing statutes, 241 and 242?

Senator ERVIN. The case I illustrated was a State case.

Attorney General CLARK. Well, we have had a few riots since then, and we have not had any problems.

Senator ERVIN. I know, because you have not had a law like this.

Attorney General CLARK. We have had laws that would lend themselves more readily to it than this by far.

Senator ERVIN. Not a Federal law.

Attorney General CLARK. 241 and 242 would be subject to the same action you are talking about right now.

Senator ERVIN. There were no prosecutions under those sections because you have to show a specific intent to deprive the man of a specific constitutional right.

THE SITUATION IN SOUTHEAST ASIA

Mr. THURMOND. Mr. President, I have just received information that our Embassy in Saigon has been overrun. Our airstrips are under attack. The information, I understand, is coming over the wires at the present time.

I was on a television program this morning and made the statement that, in my judgment, the problem in North Korea is closely related to the South Vietnamese war.

I stated that the aim of the Communists is to dominate the world. There is no question in my mind that the seizing of the *Pueblo* and its crew by the North Koreans was not an isolated incident but was closely tied in with the war in South Vietnam. I believe the attack on our Embassy and airfields substantiates this view. It is my hope that we will take firm action and will not delay in securing the return of that ship and its crew and responding firmly to the recent North Vietnamese attack.

Some people feel that the seizing of the *Pueblo* and its crew was a unilateral action on the part of the North Koreans. Whether it was a unilateral action or not, it was an insult to the U.S. flag. It is an indignity that our Nation cannot and should not accept.

I have long advocated that we win the war in South Vietnam and get through with it. We did not win the war in Korea. We have a stalemate existing there, and that is the reason why we are fighting the war now in South Vietnam. If we do not win the war in South Vietnam, we will have to fight again, and perhaps the next time it will be closer to home and the lives and property of our own people will be jeopardized.

The Communists plan to take over the world if they can. We are the only nation that can stop them. A great responsibility is placed on the United States today to protect our people and the peoples of the free nations of the world.

It seems that up to now we have had a policy of merely reacting and defending. In my judgment, one of these days when a nation attacks us, we must stop merely defending, and we must respond and respond with great force and power. The aggressor will then know that we will not

stand for that kind of action. He will know that we will use as much power as necessary to defeat him, and that we will bring all our force and power down upon the one who starts such an attack. This might throw the people of this Nation and of many other nations of the world into war.

The evidence is absolutely clear that the *Pueblo* was 28 miles offshore when it was first attacked. The evidence is clear that it was in international waters.

We consider waters farther than 3 miles from our shores to be international waters. The Communists consider the international waters to start at a distance of 12 miles. However, there was no question in this case. The ship was 28 miles from the coast of North Korea, more than twice the distance that the North Koreans claim.

The *Pueblo* and its crew were captured, without any reason whatever, and taken to Wonsan. Our men were marched out of the ship with their hands over their heads. Pictures were taken for propaganda purposes. Those pictures have been sent all over the world. They purport to show that the great and powerful United States had one of its ships and its crew captured.

I have the feeling that the attack on the *Pueblo* and its crew was made for two reasons.

The first reason was to point out to South Korea the danger of aiding us in South Vietnam. Further, the action suggests that perhaps South Korea should call home the 50,000 men that she has in South Vietnam, and that South Korea might be in danger.

The other reason, in my judgment, is to achieve the propaganda benefits.

The Asian mind respects power. We have got to show that we have the power and that we are willing to use that power.

I do not know how much longer the administration is going to wait before acting. However, if we procrastinate too long, the nations of the world will get the idea that we will not fight. Steps must be taken to have the *Pueblo* and its crew returned, or in the eyes of the world, the United States will appear to be a weakling.

Our country is the most powerful nation in the world. However, even though we are powerful we can be made to appear ridiculous in the eyes of the world, if we are not willing to maintain the honor and the dignity of the United States and its flag.

I hope the executive branch of the Government is preparing plans and will not long delay in taking the necessary action to recapture the *Pueblo* and free its crew and take such other steps as are necessary, whatever they may be. We cannot allow that ship and its crew to remain in the hands of the enemy.

Some people will feel that what I am saying is belligerent and warlike. It may be warlike. The capture of that ship was warlike. The capture of its crew was warlike.

No one wants war. No one who has seen men around him shot, as I have, wants to see our country engaged in war. However, there are times when we have to act. There are times when we have to act decisively. There are times when we have to act without vacillation.

A failure to act can be a sign of weakness that can plunge us into a war.

I am sure that if such incidents are allowed to continue, many countries of the world will feel not only that we will no longer help our free world allies, but also that we will not even protect our own ships, our own people, and our own members of the Armed Forces. When that day comes, we are finished as a great power.

I hope the United States—and I believe the thinking of the people is this way—will take the stand necessary to maintain the honor and the dignity of the Stars and Stripes. I hope we will not permit acts of the kind that occurred off the shores of North Koera to continue and will not allow such an act to go unavenged. We must avenge that act. North Korea should pay indemnity to the man whose leg was shot off, and to the others who were injured. North Korea should pay for the damage to the ship and the equipment.

Again I say that if we are going to remain a great nation, we have to show courage, we have to show that we are willing to act, and we have to show that we are not going to permit the Communists to commit acts of aggression and get away with it.

I hope that this Government will not long delay taking the firm action, the essential action, the necessary action to avenge this act off the shores of North Korea.

I am sure, too, that we must take the necessary firm steps to prosecute the war in Vietnam to the fullest. Some people have advocated cessation of bombing. In my judgment, they do not know what they are talking about. Every time you have a cessation of bombing, American lives are lost. The Secretary of the Army, General Johnson, and other military commanders, said that our bombing operations have tied up from 500,000 to 600,000 men who might otherwise fight in South Vietnam. We cannot afford to discontinue bombing.

Everyone wants to end this war. But you cannot get out and crawl on your belly and beg them to come to the negotiating table. That is no way to get them to come.

Use your power against them, and they will come begging. Use your power to close the port of Haiphong. Use your power to bomb them so that they cannot take it—the kind of bombing we did in World War II, if necessary. Whatever is necessary to bring this war to an end should be done to save American lives.

We hear complaints about North Vietnamese civilians being killed. You do not hear about the thousands of civilians who have been killed in South Vietnam, about the officials who have had their heads cutoff. You do not hear about the brutality, the disemboweling of little children in front of their parents, with the threat to the parents. "If you don't cooperate with the Communists, you'll get the same treatment." You do not hear about much of the brutality that is going on there.

Yes, we have to take a firm stand. We have to be firm. We have to use the power we have to win the war.

Mr. President, I am certain that what I have said will be considered by some as being too belligerent. You cannot be too belligerent when our men are being killed, when the aggressor seems determined to continue the war and to continue killing our men after we have made every plea in the world to try to stop the fighting. Again I say that the United States should use all the force necessary to bring this war to an end.

Some people worry about world opinion. Yes, you may arouse world opinion. It will all be against you when you do not have the courage to stand up for the rights of the citizens of America. But when you have the courage to stand up to the enemy and protect the people of America, other countries will look upon you with admiration.

We have heard a lot of talk by some liberal columnist who has been to North Vietnam and written pitiful tales about what has occurred, trying to arouse the sympathy of the people of America for the enemy. The enemy deserves no sympathy. They started this war; we did not. They seized this ship. They seized our men. They have been the aggressor in every instance since World War II ended. Sometimes I wonder if some of the people in this country, who are continually leaning over backward to accommodate the Communists really know what they are doing.

The Communists will begin a war when they are ready. If they meant for the incident off the shores of North Korea to start a war, the war will begin. If they did not mean it to begin a war, they will return the ship and the men when we show our power. They are not going to engage in a war until they are ready for that war. They have been calling the shots ever since World War II.

We went into World War II to win, and we won. We won overwhelmingly, won without question. But since then, it seems that we have had a policy that has been rather strange. It is a policy that I have called a no-win policy. We do not win; we do not lose; and, as a consequence, we have lost the respect of a large part of the world.

How many nations today will stand by the United States? How many are standing by us in Vietnam? Thank God for Korea and thank God for the handful of other countries who are working there with us. The rest of them have lost respect for the United States, and for one reason or another are not willing to come in and help us.

This war in Vietnam is not a fight of the north against the south. This is not a civil war. This is a war between the Communists on one side and the free world on the other. The quicker our Government realizes this, the quicker the people of the United States realize this, and the quicker the people of the world realize this, the better for the free world. Some people try to contend that this is just a contest between one section of the country and the other. It is no such thing. This is a war between the Communists—I repeat—and the free world; and we, the United States, are bearing the brunt of if for the free world.

Russia can stop the war in Vietnam tomorrow if she wants to do so. Russia could have prevented the seizure of the ship off North Korea if she had wanted to do so. In Vietnam, she is furnishing 85

percent of the equipment. She is furnishing the antiaircraft artillery, the surface-to-air missiles, the Mig planes, the communications equipment, the radar, the helicopters, the trucks, and all equipment of a complex nature. Eighty-five percent of the equipment with which the enemy is fighting the war in Vietnam comes from the Soviet Union. They have been bringing it in through the port of Haiphong, and we have let it come in, although we knew or should have known that that equipment was going to be used against our men, to shoot down our pilots, and to kill American boys fighting there. We have not closed the port of Haiphong.

For a long time the bombing was so restricted that our pilots could not shoot an enemy plane, although they saw it on an airfield, until that plane had left the ground. Then our own aircraft could take after the enemy plane. By then our men were at a disadvantage.

I could go on and cite many restrictions that were told to the Preparedness Subcommittee, and I could cite other restrictions I learned about on my visit to Vietnam.

Mr. President, the manner in which this war has been fought, the conduct of this war, is a shame and a disgrace. It is time that the President of the United States realized that he has a responsibility to the people of the United States to win this war, to quit playing around with it, allowing American lives to be sacrificed.

Yes, that is strong language, and that is exactly what I mean it to be. We could have won that war 3 years ago, 2 years ago, 1 year ago, but we have not done it. It might not suit world opinion. It might not suit the Soviets, who are supporting this war.

The time has come when the American people are going to wake up, are going to demand a change in our foreign policy. They are going to demand that we stop accommodating the enemy, as we have tried to do.

We have been trading with the enemy. We sold wheat to the Soviets, and not only that but we also guaranteed repayment to the bankers who loaned the money to the Soviets in order to buy the wheat. What obligation do we have to support the Soviet Union or to sell them wheat? By selling them wheat we make it possible for them to keep more of their men in their factories and missile plants instead of on the farms.

We are trading today with Communist countries. I remind the Senate that enemy countries have been getting a lot of complex and sensitive equipment, and it is equipment that helps them. They get equipment on the pretense that it is for civilian use, but the equipment they have gotten from us, in many instances, has been valuable equipment to help them in their war efforts.

It is going to be interesting to see what steps are going to be taken in view of the events that are now happening, in view of the incident off of North Korea, and in view of the fact that our embassy in Saigon is being overrun and our airstrips are under attack.

How long are we going to wait? How many more Americans have to be killed before we take that firm, decisive action we should have taken several years ago? I hope the President of the United States will begin to take action and take it promptly, and that it will be the kind of action he should have taken long, long ago.

DEATH OF MRS. HENRIETTA POYNTER, EDITOR OF CONGRESSIONAL QUARTERLY

Mr. MONRONEY. Mr. President, many of us here in the Senate were saddened last week by the death of Mrs. Henrietta Poynter, the distinguished editor of Congressional Quarterly. We lost a valued friend, and the cause of good government lost one of its finest leaders.

With her husband, Nelson Poynter, she was associated with both Congressional Quarterly and the Times Publishing Co. of St. Petersburg, Fla. Working together, they have exemplified the highest standards of journalism and public service.

Before founding Congressional Quarterly in 1945, Mrs. Poynter had already had a distinguished career in journalism, beginning with a newspaper job during summer vacation at the age of 15. Following graduation from Columbia University's Graduate School of Journalism, she wrote music features and criticism in New York and Europe and was feature and dramatic editor of Vanity Fair and Vogue in London, Berlin, and Paris.

During World War II Mrs. Poynter worked with several Government agencies, and it was she who suggested the name. "The Voice of America," for the broadcasts of the U.S. Information Agency.

Her greatest achievement and the one we here know best was Congressional Quarterly, created in 1945 as a factual nonpartisan report of congressional activities. In this work Mrs. Poynter combined her professional skills as a journalist with her practical experience in government to produce a publication which is not only readable and reliable, but also a source of information which I regard as almost indispensable.

CQ serves more than 400 leading newspapers here and abroad, all the leading news magazines, and the radio and television networks. Members of Congress, political organizations, and university and school libraries subscribe to parts of its service.

I was one of the original subscribers, and my staff and I use CQ almost daily. I have watched with admiration over the years, as the quarterly became a weekly with annuals, and in recent years special publications and features have also been provided. Each year coverage has expanded, format has been improved, and analytical features have been refined and made even more useful.

It has won wide recognition among political scientists and journalists alike. As Newsweek this week says, it is an "instant encyclopedia" for reporters and scholars.

In his book, "The Fourth Branch of Government," Douglas Cater wrote, "CQ has dealt a valuable blow to hypocrisy."

The New York Times called CQ "a reliable statistical watchdog over Congressional behavior."

Mr. President, I wish to express my deepest sympathy to my good friend Nelson Poynter in his tragic loss.

I ask unanimous consent that there be included in the RECORD at this point the fine tributes to Mrs. Poynter from the New York Times, the Washington Post, and the St. Petersburg Times.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 26, 1968]

MRS. N. P. POYNTER, EDITOR, 66, DEAD—NEWS OFFICIAL IN FLORIDA LED CONGRESSIONAL QUARTERLY

ST. PETERSBURG, FLA., January 25—Mrs. Henrietta Malkiel Poynter, editor of the Congressional Quarterly and an executive of the Times Publishing Company here, died today at a St. Petersburg hospital.

She was 66 years old, and recently resumed an active role in The St. Petersburg Times and Evening Independent, which her husband, Nelson P. Poynter, heads, after recovering from a cerebral hemorrhage before Christmas.

In addition to her husband, she leaves two stepdaughters, Mrs. John Glass of Weston, Mass., and Mrs. George Feaver of Washington.

The funeral will be private.

LONG NEWS CAREER

Mrs. Poynter's career in journalism spanned more than 45 years, and included work as a Vanity Fair feature editor, a Vogue foreign editor in Europe, a Washington correspondent and a Government administrator, but her major accomplishment was probably the founding in 1945 of the Congressional Quarterly with her husband.

Once described by the Saturday Review as "alone in its field," and a publication that allows argument to "proceed on fact instead of an emotion," the Quarterly summarizes and surveys events on Capitol Hill.

It is a major source of information on the Congressional scene for editors, scholars and politicians here and abroad, presenting in more digestible form material that the Congressional Record offers verbatim.

Mrs. Poynter, who was born in New York, attended Columbia University, and began writing music features and criticism in New York and Europe after graduation. She was a writer and literary agent before World War II, and shuttled between book publishing in New York and motion picture producing in Hollywood.

She was married to Mr. Poynter in 1942, and worked with Government agencies during the war.

She served as deputy program director of the Government's short-wave radio for a time during the war, and was active in founding the Voice of America.

Besides her editorship of the Congressional Quarterly, she was associate editor and vice president of The St. Petersburg Times and Evening Independent.

She was named to an honors list of 50 distinguished alumni of Columbia University's Graduate School of Journalism in 1963, and was a member of the Conference of Editorial Writers, American Society of Newspaper Editors, the International Press Institute and the National Women's Press Club.

[From the Washington Post, Jan. 26, 1968]

HENRIETTA M. POYNTER DIES; RAN CONGRESSIONAL QUARTERLY

Henrietta Malkiel Poynter, a journalist who with her husband, Nelson, established Congressional Quarterly here in 1945, died yesterday at the age of 66 in a St. Petersburg, Fla., hospital after a stroke.

As originator and editor of Congressional Quarterly, Mrs. Poynter devised ways of pro-

viding writers and editors with a complete and concise box-score on activities in Congress.

The background and research services of the publication are used today by more than 400 newspapers in this country and abroad, news magazines, radio and television networks, libraries, political organizations and individual politicians.

In addition to editing the publication, Mrs. Poynter was associate editor and vice president of the St. Petersburg Times and the Evening Independent.

She and her husband, president of the St. Petersburg Times Publishing Co., maintained homes in Washington and St. Petersburg.

Born in New York City, Mrs. Poynter attended schools there and graduated from Columbia University. After college, she wrote music features and criticism. Later, she held a series of editorial posts with Vanity Fair and Vogue magazines in London, Paris, and Berlin.

She married Mr. Poyner in August, 1942.

During World War II, she served as coordinator of inter-American affairs for the Office of War Information, and was active in founding the Voice of America.

Mrs. Poynter conducted a seminar on the use of newspapers in the classroom at the International Press Institute in Paris in 1959.

In 1963 she was named to an honors list of 50 distinguished alumni of Columbia University's Graduate School of Journalism.

She was a member of the Conference of Editorial Writers, the American Society of Newspaper Editors, the Women's National Press Club and Theta Sigma Phi, a national honorary sorority for woman journalists.

[From the St. Petersburg (Fla.) Times, Jan. 26, 1968]

WIFE OF TIMES PRESIDENT HENRIETTA M. POYNTER, CONGRESSIONAL QUARTERLY FOUNDER AND EDITOR, DIES

Henrietta Malkiel Poynter, 66, associate editor and vice president of The Times Publishing Co. and editor of Congressional Quarterly in Washington, D.C., died yesterday (Jan. 25, 1968) at a local hospital.

Mrs. Poynter had recovered from a slight cerebral hemorrhage prior to Christmas and returned to her active role in publishing The St. Petersburg Times and Evening Independent.

She was stricken with another attack when leaving her home for the office the morning of Jan. 16.

In her will, Mrs. Poynter requested funeral services be immediate and private and that no memorial service be held. The family requests that flowers please be omitted.

Her distinguished journalistic career spanned more than 45 years, during which time she made notable contributions to the fields of mass communication.

Mrs. Poynter was an avid student of American politics and recognized as one of the nation's leading authorities on the U.S. Congress.

As the architect and editor of Congressional Quarterly (CQ), Mrs. Poynter provided information never before available to the nation's writers and editors.

With her husband, Times Publishing Co. Editor and President Nelson Poynter, she established in 1945 the CQ service, a complete and concise box-score on the happenings in Congress.

Prior to CQ, no editor could recapitulate even the record of his own congressmen fast enough to make it pertinent to the news of the day. Mrs. Poynter devised techniques of organizing the huge mass of material into logical categories and distilling it into factual presentations that would be without partisan or personal bias.

Every vote is recorded in a way that future comparisons are valid when measured against other congressmen, the leadership of both houses of Congress and presidential recommendations.

CQ's diversified background and research services are used by more than 400 leading newspapers here and overseas, all leading news magazines and radio-TV networks. Various books and parts of the services are subscribed to by libraries, schools and organizations, as well as political organizations and individual politicians.

The value and impact of CQ was summed up in a recent book, "The Fourth Branch of Government," by Douglas Cater, which analyzed the influence of the press in Washington. Cater wrote:

"The Congressional Quarterly, to cite a remarkable privately-owned institution, furnishes useful yardsticks to measure the performance of various members of Congress. Before it began publication of its voting charts, the reporter had little opportunity to make a systematic comparison between the words and the deeds of the individual congressman. CQ has dealt a valuable blow to hypocrisy."

The New York Times described Mrs. Poynter's reference service as "a reliable statistical watchdog over Congressional behavior."

An inveterate reader, (she learned speed reading as a child) Mrs. Poynter had a wide range of interests beyond politics and government. Her knowledge of music, drama, art, fashion, food and civic affairs was reflected in The Times and Independent.

Mrs. Poynter was a tough and successful competitor in what was basically a man's world during much of her career. But she never lost the feminine touch or diminished her interest in women's affairs.

She worked closely with editors in creating and producing special women's interest sections, calling on her wide background in women's publications and the arts.

Mrs. Poynter was especially interested in community service performed by Suncoast clubwomen and originated a series of Women's Club Salutes at which area clubs were honored for their civic contributions.

She also devised women's club seminars, at which members of the The Times and Independent women's departments explained how clubs could gain more news coverage through accelerated community projects.

Her background in national and international affairs was reflected in incisive editorials and weekly Sunday Perspective Section articles she co-authored with her husband.

Many of her experiments for new features for CQ were first introduced through The Times.

In 1963, Mrs. Poytner was named to an honors list of 50 distinguished alumni of Columbia University's Graduate School of Journalism. The honors list was made up of names submitted by alumni-at-large and approved by the journalism school's 50th anniversary committee, honoring graduates who made outstanding accomplishments in all media of communications.

She was the first and only woman member of the American Committee of the International Press Institute (IPI). She conducted a seminar on the use of newspapers in the classroom at the IPI in Paris in 1959 and another for political writers at the American Press Institute at Columbia.

Mrs. Poynter was listed in Who's Who of America, Who's Who in the South and Southwest, Who's Who in Commerce and Industry and Who's Who of American Women.

Born in New York City, her first newspaper job came during high school vacation when she was 15. During college she earned a regent's scholarship for her tuition and made pocket money as a reader of possible film material for Paramount Pictures.

After college she wrote music features and criticism in New York and Europe. She was feature and dramatic editor of Vanity Fair and Vogue in London, Paris and Berlin.

It was during these early years that Mrs. Poynter's great interest in the arts matured and that she made many friends among artists and critics. She was a patron of the St. Petersburg Museum of Fine Arts, to which she and her husband donated a room.

Mrs. Poynter also gave generously to her alma mater, Columbia, and to Stetson University, Florida Presbyterian College and the University of South Florida.

Prior to World War II she was a writer and literary agent and shuttled between book publishing in New York and motion picture producing in Hollywood.

During the war she served with government agencies headed by Nelson Rockefeller, Gen. "Wild Bill" Donovan and Robert E. Sherwood. She was deputy program director of the government's short wave radio and was active in founding the Voice of America. When the first program was about to go on the air—still without an official name—it was Mrs. Poynter who suggested calling it "The Voice of America."

She married Nelson Poynter Aug. 8, 1942.

An accredited correspondent to the White House and Congress of the United States, Mrs. Poynter was a member of the Conference of Society of Newspaper Editors, International Press Institute, National Women's Press Club, Florida Women's Press Club and Theta Sigma Phi, national professional journalist's group.

She was a member of the St. Petersburg Yacht Club and Bath Club.

In addition to her husband, she is survived by two stepdaughters, Mrs. John Glass, Weston, Mass., and Mrs. George Feaver, Washington D.C.; her mother-in-law, Mrs. Paul Poynter, St. Petersburg; an aunt, Mrs. Isadore Freid, St. Petersburg Beach; two cousins, Mrs. Marie Rodell and Mrs. Virginia Frankel, New York City.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 26 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, January 31, 1968, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate January 30, 1968:

POST OFFICE DEPARTMENT

Frederick E. Batrus, of Maryland, to be an Assistant Postmaster General.

CONFIRMATION

Executive nomination confirmed by the Senate January 30, 1968:

DEPARTMENT OF DEFENSE

Clark M. Clifford, of Maryland, to be Secretary of Defense.